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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

God of grace and God of glory, send Your power on Capitol Hill. May the might of Your presence provide our lawmakers with the courage and discipline to follow where You lead. Lord, guide them through their challenging decisions to the desired destination of Your purposes. As they walk on Your path, make them exemplary models of Your love and peace. Fortify their desire to live with sincerity and self-effacement for the glory of Your Kingdom.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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, February 14, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

Mr. REID. 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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MEETING TRANSPORTATION NEEDS

Mr. REID. Mr. President, we all know the inconvenience of a few potholes as we drive down the street. It is an inconvenience. But for companies that ship $10 trillion worth of goods across the country every year, these disintegrating roads are more than an inconvenience or more than a nuisance.

A crowded train ride to an office or a broken escalator at a station where someone is trying to pick up a subway—or what we call here Metro—may be a hassle, but for 51 million Americans who have disabilities, most of whom rely on some type of public transportation to get around, outdated stations and overcrowded trains are more than a minor inconvenience.

Mr. President, this country's deteriorating infrastructure is something we should be very concerned about. This great Nation of ours has an infrastructure that is falling apart. Our highways, our roadways, our bridges, our dams, and railways are more than an inconvenience; they are a drain on our economy. Twenty percent of America's roads don't meet safety standards.

As the Chair heard me say yesterday when I talked about some of these issues, 70,000 bridges need to be replaced or overhauled. We have bridges in America, I am told, where schoolbuses stop when they get to the bridge, have the kids walk across the bridge, then the bus comes across without the kids in it, and then off they go. They do this because they are afraid the bridge will collapse.

Our public transportation system simply can't keep up with the pace of growing ridership. Nine out of ten Americans say rebuilding our crumbling roads and bridges is important—90 percent. Democrats in the Senate agree. Modernizing our transit system—rebuilding the roads American families and businesses depend upon—will help fuel our economy.

The legislation now before the Senate is too important to be bogged down with unrelated ideological amendments. Senate Republicans should not divert this bill to try to take away women's access to health care services such as contraception—something we have been dealing with over the last week—or mammograms and other cancer screenings.

Late last night we were told one of the Republican Senators wants to offer an amendment that deals with something totally unrelated to this bill, dealing with the country of Egypt. A debate on Egypt may be the right thing to do, but shouldn't we maybe start in the Foreign Relations Committee? Maybe we should start there. TV cameras can be there, and then it would not hold up this Transportation bill that is so important.

This bill will create or save 2 million jobs. It has broad bipartisan support. I have said here before, and I say it again, I so admire and respect and appreciate the work done by Senator BOXER and Senator INHOFE on this bipartisan bill. Unfortunately, our Republican House colleagues have gone in the direct opposite direction. They

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

have a bill that is a love note to the tea party. The House bill didn't get a single Democratic vote in committee, for reasons that are very clear, obviously. The Senate bill, on the other hand, passed out of committee unanimously. Even some Republicans don't support the House bill and the way it is paid for—drilling in ANWR. Mr. President, that issue has a beard that has turned white it is so outdated—drilling in ANWR.

Transportation Secretary Ray LaHood—although a Member of President Obama's Cabinet, he was a longtime Republican Congressman from Illinois—said the House legislation is the worst Transportation bill he has seen in the 35 years he has been in public service. That is our Secretary of Transportation, a Republican.

There are lots of reasons, but here are a few: The House legislation would gut public health and environmental protections, and that is a gross understatement. It would ax funding for pedestrian safety even though a pedestrian is injured or killed by a car in this country every 7 minutes. It would starve our Nation's public transportation system. The House bill reverses 30 years of good policy of dedicating funding each year for mass transit—a policy enacted in 1982 by the ultraliberal Ronald Reagan. There are ads on radio and television where we see President Reagan speaking, as he did so well, on one of his signature issues, which was doing something about the transportation system in this country. Maybe someone had read something to him or told him about General Eisenhower and how much he believed the transportation system should keep moving forward.

Many House Republicans don't support the plan to shortchange millions of Americans. I don't understand why seniors and people with disabilities, who count on public transportation, should be hurt by what the House has done in the bill they have over there.

The Chamber of Commerce and AARP have come out against the drastic approach taken by the House bill. On the other hand, the U.S. Chamber and hundreds of other organizations support the Boxer-Inhofe bill. I am disappointed House Republicans have once again chosen this very partisan path. Rebuilding a transportation system our economy can rely on shouldn't be divisive. Given the choice between working with Democrats to create good-paying jobs for American workers and playing politics, House Republicans chose politics, and that is too bad. The bill before the Senate is a good bill; we need to pass it. I am very disappointed the House has taken the road that has recently been well traveled. That is what we get from the House—the same old stuff—and we have to change.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans will control the final half.

Following morning business, the Senate will resume executive session and consideration of the Jordan nomination postcloture.

The Senate will recess from 12:30 to 2:15 for our weekly caucus meetings.

We hope to confirm the Jordan nomination today and will then resume consideration of the surface transportation bill at the earliest possible time.

RECOGNITION OF THE MINORITY LEADER

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

THE BUDGET

Mr. MCCONNELL. Mr. President, we have had a little more time now to look at the President's budget, and I have to say the more one looks at it, the harder it is to believe this is the President's considered response to the crisis we face.

President Obama knows better than anyone in this country that government spending and debt is completely out of control and that America is headed down the same road as Europe. This budget was his chance to show it. Instead, he decided to basically pretend these problems don't even exist, and to the extent he does acknowledge them, to propose solutions that are either gimmicks or that he knows will never come to pass.

Just to take two examples, he says he will bank savings by not fighting a war he already declared we wouldn't be fighting. He will take credit for saving money on a war that he has already declared we are not going to be fighting—a gimmick—and he would raise money with tax hikes that have been rejected eight times by both parties. And, by the way, forget the fact that government spends $1 trillion a year more than it takes in. The President says government spending should be even higher. He significantly increases government spending at a time when we have a $15 trillion debt, a debt that is as big as our economy.

This is what passes for leadership down at the White House. The President looks at our fiscal crisis, throws together a plan he knows is completely deceptive, and then goes on the road to sell it to captive audiences at high schools and colleges across the country. The failure of leadership is truly breathtaking. The President knows how grave our Nation's fiscal condition is. When he thinks it helps him, he admits it.

A year ago tomorrow, when debt and spending were in the news, he used his budget announcement to reiterate a pledge to cut the deficit in half. Here is what he said just a year ago tomorrow:

> The only way we can make these investments in our future is if our government starts living within its means, if we start taking responsibility for our deficits. That's why, when I was sworn in as President, I pledged to cut the deficit in half by the end of my first term. The budget I'm proposing today meets that pledge.

That was the President 1 year ago tomorrow. Here we are 1 year later and he hasn't even come close—not even close.

Last month, the President said he wanted an economy ''that is built to last.'' What he has given us instead is a blueprint for deficits that are built to last, and he hasn't done a thing to live up to his pledge to get our Nation's fiscal house in order. In fact, he has made it worse. Last year's budget wasn't worth the paper it was printed on and neither is this one. It is not worth the paper it was printed on.

The President's job isn't to tell people what he thinks they want to hear. It is to explain the problems we have, unite people around a solution, and get the job done. This President is truly failing the American people. The only question is how long it will take for that failure to catch up with us.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is observed.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

THE BUDGET

Mr. DURBIN. Mr. President, I listened carefully to the statement made by the Republican minority leader about deficits, and I think it is worthy to note that history suggests an opposite conclusion from what he just said.

Remember this: The last time the Federal Government ever balanced its budget and generated a surplus was in the closing years of the Presidency of William Jefferson Clinton, a Democrat.

When President Clinton left office, the national debt accumulated over the history of the United States of America was $5 trillion. When Clinton left office and handed the keys to President George W. Bush and said: Incidentally, next year's budget—welcome to Washington—another surplus, a $120 billion surplus. The economy has created 23 million jobs in my 8 years, and I wish you the best. He left, turned the keys over to President George W. Bush, and gave him control for 8 years.

Eight years later, another snapshot. The national debt was no longer $5 trillion; it was $11 trillion, more than doubled under President George W. Bush. We had dramatically lost jobs in America, unlike President Clinton.

When George W. Bush handed the keys over to President Barack Obama, he said: Welcome to Washington. Incidentally, next year's budget is a deficit of $1.2 trillion.

It is quite a different story; isn't it? We wouldn't know that from the speech just given. The suggestion is that Democrats just don't get it right when it comes to deficits but Republicans do. History tells us otherwise.

President Barack Obama inherited one of the weakest economies since the Great Depression. In fact, we were teetering on another depression. The month he took the oath of office, putting his hand on Abraham Lincoln's Bible, we lost over 750,000 jobs in America. That is what President Obama inherited. We didn't hear that from the Republican minority leader.

I wish to show one chart that tells the story and tells it graphically. It is a chart which those who follow the floor debates will see over and over.

The red reflects job losses under President George W. Bush. The blue lines reflect employment under President Obama.

This was the month President Obama was sworn into office. Almost 800 thousand jobs were lost in America. That is what he saw as he came to the Presidency, and then look what happened. The job losses started reducing and finally turned the corner on the positive side.

There, we have a graphic presentation of two views of the economy, the views of the Republicans and George W. Bush, with all this job loss, and the views of President Obama. That is the debate in which we are currently engaged. The Republicans want us to return to these policies, policies which call for tax breaks and cuts for the wealthiest in America, and basically ignore the investments we need to put people back to work.

I served on the Bowles-Simpson deficit commission. I understand this issue a little bit, maybe more than some. I don't profess to be an expert. The deficits have to be brought under control. We can't borrow 40 cents for every $1 we spend in Washington and sustain economic growth in America, period. But I also know this: With 10, 11 or 12 million Americans out of work, we cannot balance this budget. We have to get America back to work. These workers have to start earning a good wage, paying their fair share of taxes, and creating growth in this economy and also growth in revenue which allows us to balance our budget.

The President has two accelerators; he has to push them both at the same time: fiscal responsibility on one side and economic growth on the other. And we have to move forward in a straight path. That is what his budget does. There are those who say ignore economic growth, ignore creating jobs. Just cut spending, just cut the deficit. If we did that alone, I am afraid the result would be disastrous. The President understands, and we all should.

There are three basic pillars to economic growth in America, and they are obvious: training and education. Is there a single Senator, Congressman or anyone here who doesn't understand they wouldn't be here without an education? We value education in America. It is the ladder of opportunity, and President Obama in his budget focuses on educating and training the next generation of skilled workers and leaders in the American economy. When we walk away from that commitment to education, we walk away from our future.

The second thing the President's budget focuses on is innovation, finding those new technologies, those new discoveries which make our lives less burdensome and create more economic opportunity. It may be the next medical device, a diagnostic tool which saves a life. It may be the next pharmaceutical breakthrough at the National Institutes of Health. It may be a new process for developing clean energy in America that puts us back in the race to be the world leader in that field. Those investments by our Federal Government pay off in good businesses, good jobs, and a better life for all of us.

Education, innovation, and the third piece is one that is on the floor today, infrastructure. It is kind of a sterile word, but what it gets down to is it represents the highways, the bridges, the airports, the mass transit, and the ports of America that are literally the arteries through which our economic blood will flow. When they are not as good as they should be or as efficient as they should be, our economy struggles. Let me give one example.

I live in Illinois and am proud of it. My family came to that State, my mother as an immigrant to this country, my father off a farm in southern Illinois, to work in East St. Louis at a railroad. We almost equate Illinois with railroads. We are in the center of America and most railroads pass through the State. There are railroads in every direction.

Right now, it takes as long to take a freight shipment through the city of Chicago as it does from the west coast to Chicago or from Chicago to the east coast. Why? Our railroad infrastructure hasn't kept up with the growing need for rail freight transportation. We need to invest in that. We have an opportunity to invest in it. When we do, when goods move more quickly, there is more profitability, businesses do better, and they hire more people. The same is true with our highway system, with mass transit, with passenger rail. Look at what the Republican view is, how they view this issue.

Currently, we are considering a bill coming over from the House of Representatives which would be a disaster for America's infrastructure and for the State of Illinois, an unqualified disaster. Instead of investing in building the infrastructure so America's economy can grow, this bill, sadly, cuts the Federal investment in transportation by 15 or 20 percent over the next 5 years. It cuts the investment in mass transit dramatically by eliminating the transfer of money from the highway trust fund to mass transit, something that has gone on for 30 years, and it makes a 25-percent cut in Amtrak. At a time when Amtrak is growing and proving itself, they want to basically start shutting it down, closing it down, eliminating trains. That is no vision for the future. That is betting on failure. That is what the House Republican Transportation bill will do. We can do better.

We have a bipartisan bill—a word we don't hear that often in this Chamber but a bipartisan bill—with Senator BARBARA BOXER of California and Senator INHOFE of Oklahoma. They have agreed on a transportation bill which moves us forward for 2 years. We need to make that investment. The President understands that in his budget. We should understand it in the Senate, and we should make it happen.

The last point I will make is this: There was a breakthrough yesterday. Some people will be critical perhaps of the House Speaker for reversing field and changing his position. It is a question of whether the payroll tax cut which President Obama put in place is going to be continued beyond the end of this month.

Many may remember the flap that occurred in December when we were questioning whether to extend it for 2 additional months. I went back to my State and talked about it county by county as to how much it meant to working families. The Republicans relented in the House and agreed to extend it to the end of February. Unfortunately, just a short time ago, the Speaker said:

> If we're going to extend the payroll tax credit, unemployment benefits, with reforms, and take care of the so-called doc fix, we're going to have to offset the spending.

That is what the Speaker said. That was just a few days ago. Yesterday, there was a different announcement. The Speaker of the House, Mr. BOEHNER of Ohio, said:

> We are prepared to act to protect small businesses and our economy from the consequences of Washington Democrats' political games.

In other words, now the Republicans are prepared to extend the payroll tax cut without paying for it.

It would be easy to take a shot at the Speaker because he changed his position, but I will not. I remember this, the week of celebrating Abraham Lincoln's birth, the 203rd anniversary of his birth, Lincoln was much criticized for changing his position on an issue.

Lincoln said: Yes, I did change my position. But I would rather be right

some of the time than wrong all of the time. I think Speaker BOEHNER is right.

The last point I will make is this: Let us extend the payroll tax cut. The extension of unemployment benefits is of equal value to the economy and immeasurable benefit value to those out of work who are struggling to find a job. Make sure, if we get this done on a payroll tax cut, we don't give up on extending unemployment benefits, benefits that will allow people to get back to work. I wish to see these blue lines growing. I wish to see us moving in the right direction, creating jobs in America.

President Obama's payroll tax cut and the unemployment benefits which we have pushed for have pushed us over the line in creating jobs. Let's not end this record of success. Let's build on it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, before the Senator from Illinois departs the floor, I wish to associate myself with his remarks—the standpoint the majority leader has pointed out in order to build an economy, built to last, we have to invest in our people and in our infrastructure and research and development. We can't cut our way to prosperity. Every business man and woman knows that. Every economist knows that. As our economy grows, then we can meet the challenge that is presented to us when it comes to our deficits and long-term debt. That is how we are going to get a handle on that particular problem. I wish to thank the Senator from Illinois for his compelling remarks.

HARDROCK MINE CLEANUP

Mr. UDALL of Colorado. Mr. President, I have come to the floor to talk about an environmental problem that affects many parts of Colorado as well as other western States; that is, abandoned hardrock mines.

These mines pollute thousands of miles of streams and rivers in America with truly a toxic soup of heavy metals, including arsenic, lead, and mercury. That pollution impairs drinking water and kills aquatic and plant life for miles downstream.

This is a problem that doesn't get enough attention in the Congress, and it is my hope that by speaking, I can spur all of us in this body and the administration to take greater steps to help solve this problem. I would, in that spirit, invite my colleagues to join me in this effort.

If I might first, a little background: Starting in the 1800s, miners flocked to the West in search of fortune following the discovery of precious metals, such as gold, lead, copper, and silver. They settled in places with romantic names such as Leadville, Silverton, and Gypsum. Mining became an important part of our history, of our settlement, and of our development in Colorado. But it also left a very dirty and deadly legacy.

When a claim was mined for all its worth, the miner frequently packed up and left without a thought about the lasting problems the mine would cause. And this was an era before modern mining laws that hold miners accountable for their impact on the land.

Then, as a followup, in many cases it became impossible to identify the persons responsible for the vast majority of these abandoned mines. The Government Accountability Office estimates that there are over 160,000 such abandoned hard rock mines in the West; 7,300 are in Colorado, 47,000 are in California, and another 50,000 are in Arizona.

Today, highly acidic water still drains from these mines, polluting entire watersheds. I want to follow the logic that a picture is worth a thousand words. I want to show my colleagues what an acid mine drainage looks like. This is the Red and Bonita Mine in San Juan County, CO, which is near Silverton. For scale, I want viewers to note the pickup truck on the left side of this photograph. You can see a couple of individuals up there as well. Over 300 gallons of water drains from this mine every minute, and the water is contaminated with all kinds of heavy metals that produce the orange and the red streaks you see in this photograph. Highly acidic water flows into the Cement Creek and eventually into the Animas River, impairing water quality and aquatic life. For a region of Colorado that thrives on tourism, including angling, this situation is extremely harmful.

From EPA data, we can conservatively estimate that over 10,000 miles of streams and rivers and nearly 350,000 acres of lakes are impaired in this country as a result of acid mine drainage. With that backdrop, what is being done? For one, at those sites where a responsible party can be identified, the Federal Government has the tools at its disposal to hold them accountable. Also, the Federal Land Management agencies have a variety of programs that mitigate abandoned hard rock mine pollution.

However, the efforts I want to focus on today are those undertaken by a third category of people: entities that had no role in creating the pollution at an abandoned mine site yet want to make the situation better. Appropriately enough, we refer to these entities as Good Samaritans. One such Good Samaritan is the Animas River Stakeholders Group in southwestern Colorado. They are working to find solutions to clean up the Red and Bonita Mine. Often, Good Samaritans are nonprofits with a mission to restore the natural environment. Sometimes they are community groups that want to improve their cities and their towns. Sometimes they are mining companies looking to be good stewards in the communities in which they operate. Sometimes they are State and local governments.

For example, take the Tiger Mine near Leadville, CO. The picture I want to show you was taken before any remediation activities took place. You can see the piles of mine waste and drainage coming from the mines beside it. At peak flows, as much as 150 gallons of water per minute contaminated with cadmium, copper, lead, zinc, and iron flows out of the Tiger Mine.

As you can see in the second picture, some remediation work has been done. The mine waste was moved out of the way, capped, and revegetated, and the ditches were put in above the mine to divert surface water runoff and to further reduce contamination.

You can also see in this picture that four pits have been dug below the mine, and this represents the next phase of cleanup being lead by Trout Unlimited, another Good Samaritan. Eventually these pits will become what is known as a sulfate-reducing bioreactor. Now, the Presiding Officer knows I was not a chemistry major, so I won't attempt to describe how this works. But the end result is a good thing, I can tell you that. The acid mine drainage flows in and cleaner water flows out. However, Trout Unlimited has run into a problem that has frustrated many Good Samaritans. The bioreactor counts as a point source of pollution; therefore, before Trout Unlimited can turn the bioreactor on, they must obtain a clean water permit. Trout Unlimited cannot meet the stringent permit requirements without investing in far more expensive water treatment options, nor can they afford to assume the liability that comes with the permit. As a result, the bioreactor sits unused.

Federal law is, in effect, sidelining some of the best hopes for remediation. I have tried for several years—I said several years, but it feels like a lifetime—I think at least a decade to give Good Samaritans some relief. I have introduced legislation to every Congress since 2002 that creates a unique permit specifically for this kind of work. Unfortunately, I have not been able to convince enough of my colleagues just how good of an idea this is, but I am going to keep trying.

In addition, I have been working with Senator BOXER to encourage the EPA to better use the administrative tools it has at its disposal. Good Samaritans report to me that administrative tools have been cumbersome to use so far, and they don't offer the full Clean Water Act protection they need.

Senator BOXER, along with Senator BENNET, has asked the EPA to make this tool more accessible to Good Samaritans. Last week we asked the agency to provide Good Samaritans with assurances that they would not be subject to enforcement for appropriate actions to clean up acid mine pollution.

I am grateful for the work the EPA has done to focus on these issues and for Senator BOXER's leadership. Good Samaritans are too valuable a resource to keep on the sidelines. Congress

should do what is necessary to bring their efforts to bear on the cleanup of abandoned mine pollution. Good Samaritans cannot solve all of our abandoned mine pollution problems, but we cannot afford to turn away those willing to help any longer.

Mr. President, I thank you for your interest on this important topic to those of us in the West.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

(The remarks of Mr. ROCKEFELLER are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ROCKEFELLER. I yield the floor and note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. JOHANNS. I ask unanimous consent to participate in a colloquy with my colleagues, Senators BLUNT, RISCH, ISAKSON, and HELLER.

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

Mr. JOHANNS. Thank you, Mr. President.

THE BUDGET

Mr. JOHANNS. Mr. President, we rise today to talk about the budget that was submitted by the President of the United States, actually within the last 24 hours. Despite a 2009 promise to literally cut the deficit in half by the end of his first term, President Obama released a budget that, for the fourth year in a row, calls for a deficit in excess of $1 trillion. Unfortunately, this proposal is one more year of the same old story: more taxes, more spending, more borrowing, and yet another punt on the tough issues we as a Nation must face.

As a former Governor, I understand what it takes to balance a budget. Difficult choices do have to be made, even with programs that are popular. In 2001, when I was Governor of Nebraska, I closed a $220 million budget shortfall and didn't raise taxes. But $220 million is merely a drop in the bucket for the Federal budget that amounted to more than 7 percent in Nebraska. By comparison, if the President had submitted a budget that cut spending by 7 percent, he would be cutting more than $260 billion this year. That wasn't the last thing we had to do. With the post-9/11 economy, we called special session after special session to cut spending.

But instead of that, the President is projected to increase spending. Leadership is necessary and, sadly, this budget does not display it. Instead, America's balance sheet continues to drown in a sea of red ink for yet another year, driving our 2012 deficit to nearly $1.4 trillion. Instead of making tough choices about priorities, the President appears to be doubling down on more stimulus spending.

Let me give a few examples, and then I will invite my colleagues to join me: $2 billion in new tax credits for the production of advanced technology vehicles; $4 billion to extend and modify ''certain energy incentives which could include clean renewable energy bonds;'' $3 billion to encourage investments in advanced energy manufacturing projects; $4.7 billion for new spending to strengthen the teaching profession despite GAO finding 82 duplicative and wasteful teacher quality programs. When we add it all, we are presented with yet another budget that contains the largest tax increase in U.S. history. It raises taxes by more than $1.8 trillion. I could go on and on. This is simply a situation where we have seen this budget before, and it doesn't improve.

I will turn to my colleague Senator BLUNT, from the State of Missouri, who has worked on these budgets before, and I will ask him to offer some insights of what he sees in this budget and where it is leading our country, in his opinion.

Mr. BLUNT. I thank my friend for putting this discussion together this morning. I think it is a serious discussion, unlike this budget, which is clearly not a serious budget. The President doesn't expect it to be voted on. The majority leader in the Senate said it wouldn't be voted on. When the White House spokesman was asked if they had a position on the fact that the Senate wasn't going to produce a budget—this budget could be voted on but it won't be debated and there won't be a companion Senate budget apparently that goes along with it—the White House spokesman said no, they didn't have a position on the fact that the majority leader said there would be no Senate budget this year. Remember, this is the budget that is required by law to be passed by April 15 of every year, and I guess this will be the fourth straight time that April 15 will be missed without having passed a budget.

What we have here, unlike a budget document that does what the Senator from Nebraska did as Governor or what my son Matt did as Governor of Missouri—he had a $1 billion deficit, and they had to make up for that, and they did. The Senator from Nebraska made up for the deficit in his State. Governor and now Senator RISCH was responsible to see that the numbers added up. These numbers don't add up. This is a budget that spends too much and taxes too much and it borrows too much. Spending goes up in this budget. In this budget year we are spending $3.8 trillion, fiscal year 2013, the budget year we are talking about now. Seven years from now, fiscal year 2022—9 years from now—we are spending almost $6 trillion, from $3.8 trillion to $5.8 trillion.

Clearly, the spending problem isn't solved by this budget. This budget makes the spending problem worse. This budget adds almost $2 trillion in new taxes. So it spends too much, it taxes too much, and then it borrows too much. We are going to increase the debt again. We have a deficit of almost $1 trillion in each of the Obama years of responsibility during this first term. It cannot be allowed to continue. But when we look at this budget document—the 10-year projections—there is no indication that we change any of these trends.

We all understand these trends are unacceptable. The Federal Government's total debt has now surpassed the size of the economy. The potential of our economy to produce goods and services, the so-called GDP number, is now exceeded by our debt. We know what happened in Greece when their debt exceeded the capacity of their economy to produce goods and services. We know what happened in Italy. We know what happened in Ireland. We know what happened in Portugal. Why don't we think that is going to happen to us? Because it will, and we have to make these numbers add up.

The Senator from Nebraska as a Governor had to produce a budget. Governor Risch produced a budget. I will turn to him in a second to talk about the responsibility of the Executive to lead and then, frankly, the responsibility of the Senate to do its job.

I am continually surprised that we can miss this absolute deadline in the law year after year after year and there is not a press outcry. There is more of a public outcry than a press outcry. My sense is that if when I was in the House of Representatives we had missed this deadline once as opposed to over and over and over, there would have been a marshaling of people around the country to come and stand on the steps of the Capitol to say, Why isn't the majority in the House doing its job? This is something the current majority in the Senate has walked away from in ways I can't understand.

When we talk to Americans, getting people back to work and getting control of Federal spending are the No. 1 and No. 2 domestic priorities, but I don't see those priorities in this budget.

I turn to my friend from Idaho to see what he has thought of, as we have now had a few hours to look at the specifics of the President's budget.

Mr. RISCH. Mr. President, I thank the Senator from Missouri. Like everyone, I have been perusing the numbers to try to figure out whether this gets us somewhere and whether it will actually come to fruition.

A quick look at history. As the Senator points out, this will be the fourth year, if we don't adopt a budget, where we haven't had one. There isn't an entity in the world that operates without a budget. We have to have a budget if we are going to do anything responsibly. Budgeting is not that difficult; it

is merely a way of taking the money we have coming in and allocating it on a priority basis for what we think money should be spent for. There is never enough money. There isn't an enterprise in the world that has enough money. Everyone has to make decisions as to what are the priorities and do the best they can with the money they have.

As I said, over 1,000 days have passed since the Senate has adopted a budget. Last year, a similar budget the President produced was actually put on the floor here of the Senate for a vote. It failed, with zero ''yea'' votes to 97 ''no'' votes. That is not a party-line vote.

This budget, one can only conclude, just like the budget produced by the President last year, spends too much, taxes too much, and it borrows too much.

The budgeting process is something that is extremely important. The American people demand it. Common sense demands it. Anyone who has ever operated a government or a business enterprise knows we must budget. Every Governor in the United States does it—all 50 States. Every legislature does it. As was pointed out by Senator JOHANNS, when he was Governor he had to cut 7 percent.

Let me tell my colleagues about the state of play in Idaho. When I was Governor, the budget was $3.5 billion when I left. The current Governor is operating with a $2.5 billion budget. He cut $1 billion out of a $3.5 billion budget. If it can be done at the State level, it can be done at the national level, and, indeed, it has to be done at the national level. We are going to have to cut.

The proposed budget spends about $10.4 billion every day, and I put it on a daily basis because when we start talking about trillions, people's eyes glaze over. There is no possible way—there is no human being on the face of this planet who can determine what $1 trillion is, let alone the $3.8 trillion this budget spends. But if we put it on a daily basis, it is $10.4 billion every day. Remember, in the State of Idaho, for a year, the State spends $2.5 billion. This government spends $10.4 billion every day. That comes down to about $7.2 million every minute.

One wouldn't have a whole lot of argument about that if indeed the government had $10.4 billion to spend every day or $7.2 million to spend every minute. But, indeed, every day, under this budget, the Federal Government will borrow $2.4 billion—every single day. The borrowing comes down to about $1.7 million every minute.

When we put it in terms of how much it is a day and how much it is a minute, it becomes staggering. Right now, because we have been dealing with this, every time I see nationally a business engaged in a huge deal at $5 billion or something such as that, we can put it in perspective of how the Federal Government is doing its business. This borrowing that is being done every day by the Federal Government has yielded us now a $15 trillion debt. Again, I don't know what that is; nobody knows what that is. But what I do know is we will never pay it off in our lifetime. It will be our kids and our grandkids who are saddled with that particular amount. That is the real deal.

I wish everybody could have the experience I had, and a number of Senators have done this. Every day, the Federal Government has to pay its bills at the end of the day. They are not like businesses; they don't pay every month. They pay at the end of the day. How do they do this? When I first got here, I thought: This is staggering, and what have you. But I went and watched them do it. The Treasury has a checkbook, like everyone else does, and at the end of the day it has a balance, like everybody else. How does it balance it? It balances it by going out and borrowing the money. I watched them borrow. This is indeed borrowing. About a fourth of it comes from China, about a fourth comes from other countries, and about half comes from wealthy institutions including banks and trusts and individuals around the world. But it is real borrowing and it has to be paid back. Indeed, they not only borrow the amount of money they need every day for the daily deficit, but they borrow enough money to pay back the people whose debts are coming due that day.

After you walk out of there and watch them actually do that, you can't help but walk away from it feeling sick. Because when we look at these kinds of numbers, the government can't pay its bills at the end of the day. The only way it can pay its bills is if it borrows.

We need systemic change. Everything has to be reformed. If I were in charge of everything, the first thing I would reform is this ridiculous idea that we budget on a 10-year basis. That is outrageous.

Mr. President, 10-year budgeting allows smoke and mirrors and allows gimmicks and games so you can stand up and say: Why, this budget saves $4 trillion. It does not save a dime next year. All this alleged savings is 10 years out, and, indeed, on this 10-year cycle they use to budget, the second year never comes.

We need an annual budget. We need to look in the mirror and talk about how much we are spending next year versus how much is coming in. Forget this 10-year basis. It is absolute nonsense.

Senator BLUNT talked about Greece. Greece is going through what we are going to have to go through at some time; that is, cutting back. They lived happy for decades. Well, they spent their children's and their grandchildren's money, and all of a sudden what happened to them? Nobody would loan them money anymore. If that happens to us, we are out of business. If nobody will loan us any money on a daily basis, we are out of business.

So what do we need? We need compromise. It is compromise that got us into the position we are in. Compromise every year caused us to take each budget item, where the Democrats wanted to spend more, the Republicans wanted to spend less, so they compromised somewhere in the middle. Now we are operating, even under this budget, at a trillion-dollar deficit for the year.

It is time to compromise again. But we need to go in the other direction. We need to compromise on: How much are we going to cut this year? The Republicans are going to want to cut more. The Democrats, I hope, will agree that we need to do some cutting and we need to wind up somewhere in the middle. That is the only way we are going to get this back on track. This budget does not cut it. This budget does not even come close to it. We are going to bankrupt America if we do not start doing things differently.

I see Senator ISAKSON has joined us on the floor.

Mr. JOHANNS. Mr. President, I thank my colleagues for laying out what this budget is all about and the problems we are seeing.

Senator ISAKSON has been a leader in trying to reform the budget process.

I say to Senator ISAKSON, I would like you to offer thoughts on what you see in this budget and some ideas on how we can improve this situation we find ourselves in with the President's budget wanting more taxing, more borrowing, more spending.

Mr. ISAKSON. Mr. President, I thank the Senator for the opportunity.

I commend Senator RISCH for his remarks. I want to make a little addition to those remarks in a second. But specifically, in answer to Senator JOHANNS' question, the only thing you can do with this budget is start over.

Senator RISCH has very importantly recognized the 10-year fiasco we look at every year by pushing savings out into years 8, 9, and 10, when this President will not be here and another Congress will be here.

In talking about compromise, one of the things Senator SHAHEEN from New Hampshire and I have pushed for 2 years is a process 40 States operate under, including the Senator's, if I am not mistaken, I say to Mr. JOHANNS, and that is a biennial budget process. So instead of talking about 10 years, you are talking about 2 years. Instead of talking about appropriating every year, you appropriate in 1 year for 2 years, and in the second year—which happens to be the election year, or the even unnumbered year—your total obligation is to look for savings, efficiencies, and the fine functioning of the government.

We do not ever do in this Congress what our families do and our children do every year at home. We do not ever sit around our kitchen table, reprioritize our expenditures based on our needs, and find out how to live within our means. The American people do not get the luxury of printing

money. Japan does not come in and buy notes to fund their money. They have to figure out how they themselves can manage their budget in such a way as to live within the income they have and not go into big debt. The United States of America ought to do the same.

One of the things Senator RISCH hit on that I want to hammer on for a second—because there is a big part of our problem that is solvable; and it is solvable if good people would be willing to talk about it rather than politic about it—is known as entitlements.

Entitlements are Social Security, welfare, Medicare, Medicaid, retirement disabilities, et cetera. But two of them are not entitlements. Two of them are obligations of the United States of America. That is not an entitlement. That is something somebody has paid for. America's people pay 6.2 percent of their payroll normally—except for the recent holiday we have had—to go into a Social Security trust fund to pay them a benefit. They pay 1.35 percent of their income every month—from day one, since 1968—to pay for Medicare. Those are not entitlements they are entitled to. Those are obligations we have committed them to from moneys they have paid.

This document we are looking at in this budget does not portend a single change in benefits or in obligations for Medicare and Medicaid and Social Security, which simply means the day they go broke comes that much faster. We are defaulting on the obligation we have to the American people. Whereas, if we sat down honestly, put those programs on the table, looked at the outyears, when my grandchildren and children may be beneficiaries, and modify the obligation, pushing out the eligibility, we can save the obligation we owe the American people for Social Security and Medicare. But if we do not do it, it will be gone. That is something they paid for that we took out of the trust fund and used for something else—not the least of which was the $500 billion the President took out of the trust fund for Medicare to help pay for the affordable health care bill, which has not even gone into effect yet.

I think it is time we ask of ourselves what the American people have to ask of themselves: Sit around our kitchen table, decide what our priorities are, live within our means, and budget for the future. Do not budget for failure. This is budgeting for failure.

Mr. JOHANNS. Mr. President, I appreciate the comments made by Senator ISAKSON. I wish to take a moment to follow up on his comments relative to Medicare and Social Security. Then I would ask Senator BLUNT to offer a few words on where we go from here, what do we anticipate we have to do to set the ship of state on the right course, if you will.

But let me speak to the issue of Medicare and Social Security. Senator ISAKSON could not be more right. When you get paid, you can literally go to your paycheck stub and you can see the amount of money that is being withheld out of your paycheck—throughout your life—for Social Security benefits and for Medicare benefits.

When these programs were set up, thereabouts, a group was put together—they were referred to as trustees—and they basically did a fair analysis of where these programs were and where they were headed. Every year, they put out a report, and we will be getting another annual report in the not too distant future. But I think we all know what the report is going to say. The report is going to say that in the vicinity of about 2024, if not a bit sooner, Social Security literally is going to be insolvent. It is also going to say Medicare is literally in a position where it will be upside down financially sooner than that. The greatest challenge between the two, obviously, is Medicare.

What does that mean to people who are currently beneficiaries or about to retire and planning on these items being there for them? Well, what it means is, that plan could be in serious jeopardy.

It is not because MIKE JOHANNS woke up last night and said that or dreamt it or thought about it. It is because people who are empowered to look at Social Security and Medicare have studied it very closely, have looked at the financial pieces of this, and have come to this conclusion.

Now let's examine the President's budget. What plan does he have to protect Medicare or Social Security? Well, he does not have a plan. These are not easy issues. I am not arguing here today this is easy to take on. But what I am saying to the American people is, if you study this budget or any other budget submitted by this President, he is doing nothing to arrest literally our progress toward these very important programs becoming insolvent. If there was ever an area in this budget where we need Presidential leadership, it is right here.

I would ask Senator BLUNT for his thoughts. The Senator has studied these issues over the years and has offered great insight. Where do we go from here? What are the Senator's thoughts in terms of this budget and how we get back on track?

Mr. BLUNT. Mr. President, I say to the Senator, I think my first thought is, the insight is not that difficult; it is just that we need to do our job. We cannot expect to solve these problems if the Senate does not do the job it is supposed to do. And we cannot expect to solve these problems if we keep letting the size of our government get out of proportion to the capacity of our economy.

In 2008—the year before the administration started—the deficit was higher than I thought it should be by a lot. It was $459 billion. That was 3 percent of GDP, and I thought that was unacceptable. The very next year—the first year of this administration—it went to 10 percent of GDP, $1.4 trillion. Then after that, it has been a trillion, a trillion, a trillion—$1.4 trillion, $1.3 trillion, $1.3 trillion—$1.3 trillion in the year we are in now. This does not change that trajectory at all. And in the budget the President submitted, for the first time any President has said this, the President says the Social Security trust fund, during this 10-year window, will run out of money—that the money coming in, for the first time ever, will not equal the money going out—but proposes nothing to do anything about that.

This is a commitment the Federal Government has made to Americans. Social Security can continue to work if you periodically look at the facts, the demographics, and adjust it.

We have about worn out the Tip O'Neill-Ronald Reagan example on Social Security. But I say to the Senators, that was in 1983. On the supposed third rail of politics that a President will not touch, in the very next year, Ronald Reagan carried 49 States. This would have been a great year in divided government to solve this problem because one side could not spend the rest of the time blaming the other.

I do not think the changes in Social Security, made in 1983, to my knowledge, have ever been an issue in any political campaign anywhere. Because they were made in a way that anticipated people's needs to adjust, we are just now, 30 years later, getting to the final phase-in of the new retirement age—30 years later. But if you do not get that started, you will never get there, whether it is Social Security or the Social Security insurance fund, which gets into trouble even quicker, according to the President, in 2018, and there is no proposal to do anything about that.

For people who are absolutely dependent on that safety net—family members, dependent children—if something happens to the worker who is paying into Social Security, 5 years from now the President says that is in big trouble. But you go through all of these papers, and you see no indication anywhere of what we should do about that.

These are issues that have to be dealt with, and I suggest the most fundamental way to deal with them is for the Senate to do its job, for the Senate to produce a budget, for the Senate to get focused—as Senator RISCH suggested we need to focus—not on some phony pay-for 10 years out that never materializes, but what are we going to do this year to change the course of the country, to change the trajectory.

One thing you learn in artillery is, you do not have to change the trajectory, you do not have to change the level of the artillery piece very much to make a big difference out there in the distance. But if you do not change it at all, you keep landing at exactly the same place. And this is a budget that actually lands in even a worse

place because it spends more money, it spends too much, it taxes too much, it borrows too much, and the American people know we cannot continue to do that, as was the case made very well by Senator RISCH.

I ask the Senator, does he have any other thoughts on what we need to be doing and how we need to be doing it?

Mr. RISCH. First of all, one of the things people have to accept—and it does not happen around here—is we do not have an income problem. We have a spending problem. All the money in the world would not get us to where you are able to solve every problem that comes down the pike and people want to resolve.

The President is urging that somebody is not paying their fair share. I wish he would hang more details on that. I wish some media person would ask him: Identify these groups for us, please. I think he is trying to create a national dialog as to who is or who is not paying their fair share. I think that might be appropriate.

I think when the American people started on this, they took the numbers and said: OK, if you take the first half of income earners from the lowest to the median, they are paying zero percent in taxes; the top 10 percent is paying 70 percent of all the money the government takes in, so let's have a dialog as to which of those two groups is paying their fair share.

There are some very good sociological reasons why the upper income pays more than the lower income, and I do not think anyone is going to argue with that.

But there is only so much we can do. I am not here defending the rich. The rich take care of themselves. They can move their capital wherever they want to move it. Indeed, we all know a good deal of it is moved offshore. There is $2 trillion offshore right now that Americans—American businesses—want to bring back, but they will not bring it back because there is a war on capital in this country with the government trying to take the capital. We need to have a national dialogue about that. We need to land in the middle someplace.

Again, no one is going to defend the rich. They do not have to; the rich can take care of themselves. But the fact is, we have to come to the conclusion at some point that the resources of the American people are finite. Be it the rich, be it the poor, be it the middle class, their ability to pay for government is finite. There is a point at which we have to say wait instead of saying we are going to bring in more. We have to say we are going to have to prioritize the money we have and how we are going to spend it.

I think that is the way we get out of this situation, having an acceptance that there is a finite amount of money. It is too easy for us to borrow money. We have seen that in our own lives. We have seen friends of ours who have gone down to the bank and borrowed money. If the money is too easy to borrow, they get into trouble, and they get into trouble relatively quickly.

Well, we have gotten into trouble because it is so easy for us to borrow. People still want to loan us money. People are still loaning us money every day. They lend us billions and billions. Indeed, if they did not, we would be out of business. So it is time for this national dialogue on where we are going to go.

As I said, the only way this is going to be resolved is if we compromise. Instead of talking about how much more we are going to spend, we need to do something we have not done since World War II; that is, compromise on how much we are going to cut.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator's time has expired.

Mr. JOHANNS. Mr. President, I anticipate Senator HELLER will probably seek the floor. But this concludes our colloquy.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ADALBERTO JOSE JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

THE BUDGET

Mr. HELLER. Mr. President, our Nation is more than $15 trillion in debt. The President's budget will increase government spending by $47 trillion over the next decade. Included is the largest tax increase in American history, while our national debt increases to $25.9 trillion over the next 10 years.

That is right. This budget proposes a massive tax increase, not as a plan to address the national debt but to fuel more reckless big government spending. Our Nation cannot afford to continue down this path. This reckless budget will not only saddle our children and grandchildren with massive government debt, but it proposes to raise taxes on the very businesses we need to create jobs.

How can this President and the majority party claim to be projobs when everything they are doing is antibusiness? This budget threatens our long-term economic security and places a greater burden on our children and grandchildren who will be forced to live and pay for Washington's inability to solve this problem.

While I believe the President's budget spends too much, borrows too much, and taxes too much, in the Senate the majority party has chosen to go to the other extreme. They have now refused to pass a budget for more than 1,000 days. It is our responsibility as legislators to develop a real, workable budget that will put our Nation back on the path of economic prosperity. Unfortunately, the majority simply has not taken this responsibility seriously.

Now, there are some who claim that spending caps established in the Budget Control Act constitute a budget. Quite frankly, I disagree. At a time when millions of Americans are out of work, this behavior in Washington continues to create great uncertainty and stifles economic growth.

No State has felt the failures of Washington more than the State of Nevada. My State continues to lead the Nation in unemployment, with more than 150,000 Nevadans looking for a job. With the so-called stimulus plans, Cash for Clunkers, and bailouts, Washington's response to our economic problems has been woefully inadequate and, in Nevada, a complete failure.

Here is the kind of story I hear all too often from my fellow Nevadans:

> You may recall that my wife Pam and I own Straw Hat Pizza here in Carson. Pam has owned and operated the restaurant since May of 1985. Unfortunately, after 25 years of operation, today is our last day of being in business. We are forced to close our doors and likely file for bankruptcy due to the horrible economic situation in our state, and Carson City in particular. It's a true tragedy that a lifelong endeavor ends this way, and Pam feels that she is a failure.
>
> I keep reminding her that the failure was not hers, but rather a failure of liberal elected officials to do what's right for our country and get out of the way, let free enterprise work its magic, and in turn let individuals flourish.

Members of Congress are willfully refusing to put our Nation on a path of long-term fiscal responsibility, creating greater uncertainty, and contributing to an anemic economy that is forcing small businesses to close their doors. As long as this is the case, Americans will continue to be frustrated and angry with Washington's inability to produce real results.

Our Nation's Capitol remains the only place in the country where difficult decisions are not made. Congress continually kicks the can down the road leaving tough fiscal decisions for future Congresses, future administrations, and worse, the next generation.

In light of these facts, is it any mystery why Congress is currently experiencing its worst approval ratings in history. I introduced the No Budget,

No Pay Act to force Congress to face reality, to take responsibility for running this country. This bipartisan legislation requires that the Senate and House of Representatives pass a budget and all appropriations bills by the beginning of each fiscal year. Failure to do so would result in the loss of pay until Congress takes its job seriously.

If Congress does not complete its constitutional duties, then its Members should not be paid. It is that simple. If we do not do our job, then we should not be paid. This concept resonates with the American people. I know this because I asked Nevadans during a series of telephone townhall meetings last year whether they supported a bill that would hold the pay of Members of Congress if they failed to pass a budget. More than 4,000 Nevadans participated in this poll, and 84 percent of them supported the No Budget, No Pay concept.

The budget is not a trivial piece of legislation or a campaign document. It is a roadmap that identifies goals, priorities, and establishes a multiyear fiscal course for the Nation. If done right it can provide stability and set expectations for where we want to take our Nation.

Budgeting is not a strange concept. It is something that is done at all levels of government, businesses large and small, and at every kitchen table across the country. It is past time for Congress to actually implement policies that would encourage the economic growth we need to ensure that workers can have good jobs and provide for their families.

While the No Budget, No Pay Act will not solve every problem in Washington, I sincerely believe it would be a step in the right direction. These essential functions of Congress are vital to fiscal responsibility and creating greater certainty so our job creators can flourish.

I was pleased to see reports of growth—small growth—in our economy. But lack of clarity provided by Washington continues to hamper economic growth. Back home, Nevadans continue to struggle. Small businesses are trying to survive while gridlock in Washington is making it harder for employers to know what to expect in the coming years. Establishing a responsible budget would be a good first step toward placing our Nation on a path for a more prosperous future.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

EGYPT

Mr. PAUL. Mr. President, some Senators are concerned that I may be delaying a vote in the Senate. This is not true. I offered yesterday to vote on my amendment with 10 minutes of discussion. I have offered to vote immediately at any point in time.

I do think it is worth 10 minutes of our time and 10 minutes of America's time to discuss the plight of U.S. citizens in Egypt. I don't think 10 minutes is too much to ask to discuss, debate, and vote on whether Egypt should continue to get aid from us while detaining our citizens. Egypt is unlawfully preventing U.S. citizens from leaving that country. I don't think 10 minutes is too much to ask. We have sent over $60 billion in aid to Egypt over the years, and they now hold 19 U.S. citizens virtually hostage.

Will we ever learn? Will we ever learn we can't buy friendship? Nineteen U.S. citizens who traveled to Egypt to help Egypt embrace democracy, to help Egypt to have an elective government, to enjoy the freedoms we enjoy and the success we enjoy having a democratic government, those Americans are now being prevented from leaving Egypt. Some of the prodemocracy workers are, in fact, seeking refuge in the U.S. Embassy.

This is a tragedy and something we should make a clear and unequivocal statement about. Does Egypt wish to be part of the civilized world or do they wish to descend into the lawlessness of the Third World? Some have argued we don't need these provisions, that there are already provisions in place to prevent Egypt from getting aid. Apparently, the Egyptians aren't listening, and they need to listen very clearly.

The amendment I proposed will end all aid to Egypt—economic and military. We give over $1.5 billion to Egypt every year, and we cannot continue to give aid to a country that is illegally detaining our U.S. citizens.

Some have said the provisions we already have will take care of this. There are a couple problems. The Egyptians aren't hearing that message, so the message needs to be louder and more firm. We will not tolerate any country holding U.S. citizens as hostages or lawlessly. I think Egypt needs to know America means business, and that is what this debate is all about.

I don't think it is too much to ask the Senate to consider this proposal on Egypt; let's spend 10 minutes and let's have a vote to send a message to Egypt.

The question is, Will we ever learn? Will we ever learn we cannot buy friendship? Will we ever learn we cannot create Democrats out of authoritarians simply by buying them off? We have tried it. We have sent billions of dollars to Africa and asked authoritarians who rape and pillage and torture their own people, and we give them more money trying to convince them to be democratic. It doesn't work.

We need to have a firmer hand and say there will be no more aid to countries that detain U.S. citizens, that don't allow their citizens to vote, and to countries that torture and rape and pillage their population.

We have sent billions of dollars to Afghanistan, and it is an insult to Americans—particularly to American soldiers—that the President of Afghanistan has said if there were a war, he would side with Pakistan against the United States.

Will we ever learn? We send money—billions of dollars—to these countries, and apparently they still dislike us, disrespect us, and say they will side with our enemies.

There are now officials in Pakistan, which has gotten billions of dollars from us, saying Pakistan will side with Iran. Afghanistan is telling us they will side with Pakistan. So Pakistan will side with Iran, and what does the chump, the U.S. taxpayer, get? Send more money. No. 1, we don't even have the money. We are borrowing the money from China, and we are asked to send more money to people who disrespect us. I think that is an insult that should end.

Will we ever learn? Will we ever learn we can't buy friendship? Will we ever learn authoritarians, no matter how much money we give them, will not become democratic? Egypt must be put on notice.

The President is not leading on this issue. Just a few weeks ago, the President's Under Secretary of State, Robert Hormats, stated he wanted to make sure the administration assured the Egyptians that we want to provide them ''more immediate benefits.''

Do you think that maybe the President is sending the wrong message to the Egyptians? They are detaining 19 U.S. citizens and preventing them from coming home and U.S. citizens are holed up in our Embassy and the administration says we need to make sure the benefits get there immediately. The administration is bragging about sending more aid to Egypt.

Just yesterday, the President came out with a new budget. Guess what. There is $1.5 billion of taxpayer money to be sent to Egypt. What kind of message are we sending them? I think the President is not leading the country and is not exemplifying what most Americans would want; that is, to send a clear and unequivocal message to Egypt that we will not tolerate this behavior or subsidize this behavior.

Think of it. The American taxpayer is being asked to subsidize a government that is detaining U.S. citizens. The American taxpayer is being asked to subsidize Pakistan, that says they would side with Iran. The American citizen, the American taxpayer, is being asked to subsidize Afghanistan, that said they would side with Pakistan against us. All the while we are running trillion-dollar deficits, borrowing this money, and bankrupting our country.

The Egyptians need to be sent a clear and unequivocal message. I think it is worth 10 minutes of the Senate's time to have a vote. I think it is worth it for the 19 U.S. citizens. If it were my child in Egypt working there for a prodemocracy group, I would want to think the

Senate had 10 minutes of time. I would want to think the Senate can spare 10 minutes of time to send the Egyptians a signal that we will not tolerate this and they must let our citizens come home.

The United States will not and should not stand for the detention of American citizens. The United States will not stand for imprisonment or travel restrictions on its citizens, and the United States should not send aid to a government that so casually accuses American citizens of political crimes.

So while some will say I am holding up the business of the Senate, I argue this is the business of the Senate; that foreign policy was delegated—much of it—to the Senate, that we are abdicating our role, and that we as the Senate should send a clear and unequivocal message to Egypt. So I will continue to argue, despite much opposition, to have a vote to send a signal to Egypt that we will not tolerate the detention of U.S. citizens.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON of South Dakota. 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. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that I be allowed to speak in morning business.

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

Mr. JOHNSON of South Dakota. Mr. President, I also ask unanimous consent that following my statement, the Banking Committee's ranking member be recognized, followed by Senator MENENDEZ of New Jersey, and that all time they consume be counted toward the postcloture time.

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

SURFACE TRANSPORTATION ACT

Mr. JOHNSON of South Dakota. Mr. President, I am pleased to present the Banking Committee's public transportation bill to the Senate as an amendment to the surface and transportation legislation now before us. The transit bill was reported by our committee unanimously. Maintaining investment in our Nation's transportation infrastructure is a priority of mine and of our committee.

I wish to thank our committee's ranking member, Senator SHELBY, who has worked for a long time on this bill. Without his support, this bipartisan legislation would not be possible. I also wish to thank our committee chairman, Senator MENENDEZ, and all the other members of the committee who offered their contributions.

With this bill, we have the opportunity to preserve public transportation funding for 2 years at current levels and deliver critical investments in the Nation's aging transportation infrastructure. In addition, the bill will institute much needed reforms, such as eliminating earmarks and speeding the construction of public transportation projects. The bill also includes transit safety provisions that have been stalled for 2 years. These are important reforms that many Senators have worked on. Now is the time to move them forward.

Finally, our bill increases formula funding for all types of transit: additional urban and rural funds, new money for every State to address the state of good repair needs and more money for tribal transit. Our Nation's transit systems need more than $77 billion to address backlogged repairs. This bill cannot address all those needs, but it can ensure that our transit systems don't fall further behind, and transit funding will support more than 386,000 jobs.

Americans make 35 million trips on public transit every weekday. Many of these trips are in our cities, but in places such as South Dakota rural transit service connects seniors with their doctors and helps the workers travel long distances to get to jobs. Everyone benefits from public transportation, and I urge Senators to support this bipartisan bill.

I yield the floor for the ranking member of the Banking Committee.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in support of legislation to reauthorize the surface transportation bill, and, in particular, the Federal Public Transportation Act of 2012, which is the transit amendment before us today.

While we are nearly 3 years beyond the September 2009 expiration date of SAFETEA, I am pleased we are finally moving one step closer to legislation that would allow infrastructure investments to move forward.

Chairman JOHNSON and I worked together to produce bipartisan legislation that eliminates outdated, inefficient programs and promotes greater efficiency and effectiveness in public transportation systems all across America. The Federal Public Transportation Act passed the Banking Committee with unanimous support. This legislation before us reflected in the amendment currently under consideration maintains funding for public transportation programs at $10.5 billion a year. Unlike previous reauthorization bills, the committee was unable to provide an increase in the baseline funding amount for public transportation. We were, however, able to provide a substantial increase to existing programs by eliminating the bus discretionary program which previously contained earmarks totaling $984 million.

In fact, we did not just eliminate one account that included earmarks, we eliminated all earmarks that were previously included in the reauthorization bill. These reforms have allowed us to provide public transportation systems with an increase in their guaranteed formula funding over the next 2 years. In addition to providing a stable source of funding, I believe we must institute a system that ensures greater accountability and encourages real investment in maintaining our aging public transportation infrastructure all over America.

This issue, also known as state of good repair, is extremely important for public transportation, and our amendment makes it an integral part of the transit programs. The new starts process has undergone significant reforms in order to streamline and to improve delivery of capital investment projects. It also includes a new pilot project with the sole purpose of expediting project approval and attracting private investment.

Setting aside, for a moment, the specific issues related to this amendment, I wish to speak briefly to what I believe is the most significant issue surrounding the reauthorization of SAFETEA—the solvency of the highway trust fund. According to the Congressional Budget Office, the mass transit account of the highway trust fund will end in 2013 with $2.8 billion—$6 billion short of what it will need to continue to meet its obligations resulting from this reauthorization bill before us. While the Senate is considering a 2-year authorization bill, others have advocated a longer term reauthorization. The length of the reauthorization is not as important, however, as the need to pay for all this spending before us.

I believe most Americans would agree that a reauthorization bill that leaves the program insolvent or near insolvency upon its expiration would be irresponsible. I hope this is not what we are doing with this bill. Infrastructure spending is essential to our long-term economic stability and growth in this country. Nevertheless, this country cannot continue to deficit spend its way out of its problems for infrastructure or anything else. Therefore, I think we must begin this discussion with the realization that difficult decisions are going to have to be made, and for our part I believe the Banking Committee has begun to make some of these difficult decisions by providing level funding and eliminating unnecessary earmarks from the program structures.

I look forward to continuing this debate and moving one step closer to completing a responsible and paid-for reauthorization bill.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, let me begin by recognizing the hard work and dedication of my friend from South Dakota, Chairman JOHNSON, and for his tireless leadership on this legislation

that made this possible. Let me also recognize the ranking member, Senator SHELBY, for his efforts to work in an incredibly positive, cooperative, and bipartisan manner that, in fact, created the ultimate result of a unanimous bipartisan vote, something we would love to see more of these days. It was his work, along with the chairman's, that got us to that point. I am glad to have been added to that as the subcommittee chair as well.

Millions of Americans take over 10 billion transit trips a year. It has taken over 2 years of hard work, and it is part of an overall bill that creates or saves 2 million jobs, but those trips and the jobs that get created by it and the opportunity of people to get to employment, to get to a hospital, to go see family and friends are incredibly important in the context of our national economy. At a time when job creation is essential, it invests in every State to keep us competitive as a nation in the global marketplace.

Under this legislation, for example, my home State of New Jersey stands to receive about $519 million in Federal transit funding without any increase in Federal spending. This bill cuts waste and eliminates earmarks so New Jersey will see benefits from a $63 million increase in transit funding, more transit funding than in any previous year. This bill invests in our infrastructure and improves public transportation without increasing the Federal budget, and it provides more funds to make the improvements they need to ease congestion and mitigate transportation delays. It is good for America because it will help communities concentrate on smart growth around transit hubs that mirror my Livable Communities Act and my State's Transit Village Program that will help make New Jersey attractive to businesses and a model job creation hub. It can do that for other communities throughout the Nation.

It is good because it is energy smart and increases competitive funding for clean fuel transit vehicles to help agencies to switch from dirty, expensive fuels to cleaner, cheaper fuels. It not only streamlines the process for Federal approval of new transit projects, but it will help upgrade older systems by adding a new station or another track or a bigger train car to increase capacity rather than having to build new systems from scratch.

It also includes a provision establishing a program to allow public transportation providers temporary flexibility during periods of high unemployment to use a limited portion of their Federal funds for up to 2 years, provided they meet the established criteria for operating expenses.

One last but perhaps most important thing the bill accomplishes is to provide for a strong Federal role in transit safety oversight by establishing a national public transportation safety plan to improve the safety of all public transportation systems that receive Federal funding.

Under this legislation, the Secretary will develop minimum performance standards for vehicles used in public transportation and establish a training program for Federal and State employees who conduct safety audits of public transportation systems. Fundamentally, this bill improves the effectiveness of State safety oversight agencies, increases Federal funding for safety, and provides new enforcement authority over public transportation safety to the Secretary of Transportation.

At the end of the day, making our transit system as safe as humanly possible in every State, from coast to coast, must be a national priority.

So let me conclude by saying, once again, thanks to Senators JOHNSON and SHELBY for their leadership over the last 2 years. I think the bill is a victory for every American community. It is a commonsense investment that will create jobs, keep this Nation competitive, and make our communities more productive, accessible, and livable. It is a victory for those who believe we can create jobs, get people back to work, and keep us on the cutting edge of the global economy.

So now we need to make sure we continue to reach across the aisle, as the chairman and the ranking member and I have done during this process, and get this investment in America's future to the President's desk and signed into law as soon as possible.

With that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 12:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

NOMINATION OF ADALBERTO JOSE JORDAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from Arizona.

ARIZONA'S CENTENNIAL CELEBRATION

Mr. KYL. Mr. President, I rise today to recognize an important milestone in our Nation's history.

On February 14, 1912, Arizona officially became the 48th member of these 50 United States. I am proud to salute my home State on this her centennial celebration.

Yes, we were the last of the contiguous 48 States to join, but we were certainly not the least of them. Today I would like to tell you just a little bit about why I say that is so.

Arizona is not the largest or the oldest member of the Union. It did not participate in the Revolutionary War. It does not border an ocean or one of the Great Lakes. The Declaration of Independence and the Constitution do not bear a single Arizonan signature. Yet there is something about Arizona that is great, something that truly sets the Grand Canyon State apart from the rest. The Grand Canyon, of course, comes to mind.

I would like to quote one of America's most famous explorers, John Wesley Powell, who once said:

> The wonders of the Grand Canyon cannot be adequately represented in symbols of speech, nor by speech itself. The resources of the graphic art are taxed beyond their powers in attempting to portray its features. Language and illustration combined must fail.

I agree. I have hiked the Grand Canyon. I have seen it from above, and I have seen it from below. Words literally cannot describe its power or its beauty. That is why every year millions of tourists come from all corners of our Nation and from across the Atlantic and the Pacific to experience the majesty we are fortunate enough to have right there in our own backyard.

But as big as it is, the Grand Canyon is just a small part of the Arizona story. There are the Sedona Red Rocks, the beautiful White Mountains, the Painted Desert, the Petrified Forest, Monument Valley, Saguaro National Park, the 12,000-foot San Francisco Peaks, and countless other natural wonders that span across our deserts and through our forests. There are almost 4,000 peaks and summits in our State alone.

Arizona is also home to manmade marvels, including innovative projects that have allowed much needed freshwater to flow to our communities. These include the Hoover Dam, the Glen Canyon Dam, the Central Arizona Project, the Salt River Project and its keystone element, and the Theodore Roosevelt Dam.

Arizonans share the land with owls, ocelots, and eagles, jaguars, lots of rattlesnakes, and falcons. Our landscape is foliated not just with agave and cacti but with majestic aspen, fir, and spruce and the largest Ponderosa pine forest in the world.

We are rich in natural resources. From an early age, all Arizonans learn about the State's five Cs: copper, cattle, cotton, citrus, and climate.

Copper. The mineral that attracted many Arizonans to our State in the first place has been used by American Indians in tool and weaponmaking for centuries. Today, Arizona produces more copper than every other State combined, and it is now being used to develop the alternative energy technologies and vehicles of tomorrow.

Cattle. Along with sheep and hogs, the ranching of cattle is deeply imprinted on our State's cowboy culture and continues to help drive our economy today.

Cotton. One of our most important cash crops at the turn of the last century, cotton is still an important industry in our State. This crop, including our very own Pima long-staple variety, is used to produce the clothing, fertilizer, fuel, and cooking oil used by millions of Americans every day.

Citrus. The harvesting of fruits such as lemons and oranges is one of the important elements of Arizona's agricultural industry, with a history that runs deep in our State. We now export about $40 million in fruits and preparations every year.

Climate. Arizona mornings are warm and filled with sunshine, and our sunsets are the best anywhere. We may not always have a white Christmas, but we do have a booming tourism industry that attracts nearly 37 million—we call them snowbirds, conservationists, and adventurers—every year.

These five Cs, along with the natural treasures I mentioned earlier, are the physical expression of our State motto: ''Ditat Deus'' or ''God Enriches.'' Because of this, Arizonans are fiercely protective of the ecological riches that exist around them.

We honor nature for its beauty, but we also respect it for its power. I do not need to tell you about Arizona's heat. Some of my colleagues in this Chamber are known to complain when it reaches 80 degrees in Washington. Well, we Arizonans start to get warm when the mercury hits 120. It gets cold at night too. In fact, Arizona can yield the Nation's highest and lowest temperatures in the very same day.

There are forest fires. Last summer, we saw the largest such fire in our history, the Wallow megafire, burn more than 840 square miles of our treasured landscape. But we have picked ourselves up, and we are rebuilding—just like we always do. The lessons we have learned from the Wallow fire will help us defend against similar megafires in the future.

Some of Arizona's forebears were the prospectors and the ranchers who gave up everything for a chance at a better life. Some were the adventurers and cowboys who thrived on freedom and danger. Some of us can trace our history directly back to the Spanish missionaries or to our longstanding dynamic Hispanic community that has so greatly influenced our distinctive culture and cuisine. Many of us are direct descendants of the very first Arizonans—the 21 great American Indian tribes who continue to teach us important lessons about working with rather than against the expansive natural beauty and danger that surrounds us.

These are Arizona's founding fathers. While each has influenced our State in a unique way, all share these common traits: a strong sense of independence and a willingness to persevere against the odds.

That is, I believe, one of the reasons Arizona has such outsized national influence compared to its relatively small size and population. Indeed, the fierce wind of independence that rolls across our desert landscape has propelled not one but two of our leaders to national political prominence in just the past few decades. We may not have had an Arizonan in the White House—yet—but there are few States that can boast a single 20th or 21st century major party Presidential nominee, let alone two in our Barry Goldwater and JOHN MCCAIN.

My friends on the other side of the aisle will no doubt recall their very able Senate majority leader from Arizona, Ernest McFarland. They will also remember Representative Mo Udall and Senator Carl Hayden, who served an amazing 57 years in Congress, 42 of them in this Chamber alone. To put that into perspective, that is longer than Arizona's senior Senator and I have served in the Congress combined.

Our State has both nurtured and welcomed respected jurists such as William Rehnquist and Sandra Day O'Connor, world-renowned architects such as Frank Lloyd Wright, entertainers such as Waylon Jennings, Linda Ronstadt, and Glen Campbell—even Stephenie Meyer, author of the Twilight series. Also, of course, I would be remiss if I neglected Steven Spielberg. He, too, embraced Arizona's adventurous, entrepreneurial spirit, turning his teenage moviemaking hobby in Scottsdale and Phoenix into a multimillion-dollar Hollywood empire. Had he been raised in another State, one without our Arizona spirit, would the world have known classics today such as ''ET'' and ''Jaws''? We may never know.

One thing we do know is that Arizona also gave rise to the Navajo Code Talkers. It is a shame more Americans are not aware of the talkers' incredible story. Their official Web site puts it this way:

> It is a great American story that is still largely unknown—the story of a group of young Navajo men who answered the call of duty, who performed a service no one else could, and in the process became great warriors and patriots. Their unbreakable code saved thousands of lives and helped end World War II.

Their code, of course, was the Navajo language.

Some of those young men were simple sheepherders on Arizona's great Navajo reservation until our Nation called them to serve. They did so with honor. They became American heroes in the process. Without them, we may never have achieved victory in the Pacific theater, and I am proud to pay tribute to these warriors today. Arizona honors them, and every American owes the Code Talkers a debt of gratitude.

These are just some of the many reasons I am proud to call myself an Arizonian. I was not born in Arizona. I became one by choice, and it was one of the most consequential decisions I ever made. I came as a young man to attend the University of Arizona. There I met my wife Carol, and together we raised two children, both of whom I am proud to say learned their five Cs from a very early age. I have not left Arizona since my days at the University of Arizona, nor do I think I ever would or could. There is something about the beauty that surrounds, the spirit that encompasses, the Sun that paints the landscape every morning. There is something different about Arizona, and I am proud of that difference. We are a special people with a distinctive place in the American mosaic.

I offer my congratulations to our Governor Jan Brewer, to my Arizona colleagues in the House and Senate, and to my constituents throughout our State on this historic centennial anniversary.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. MCCAIN. Mr. President, it is my distinct privilege to join with my beloved friend JON KYL to speak in honor of the centennial anniversary of Arizona statehood. One hundred years ago, on February 14, 1912, the State of Arizona was officially admitted to the Union, effectively completing the contiguous lower 48 States. Americans today recognize Arizona as the thriving center of the Sunbelt, known for its ability to attract businesses, manufacturing, and tourists from around the world. The Valley of the Sun alone supports about 4 million people, and our State capital—Phoenix—is the Nation's sixth largest city.

Compared to its humble beginnings, Arizona has enjoyed tremendous growth and productivity, but this was not always so. Arizona's history began over 10,000 years ago with the migration of early Native American tribes to the region. For centuries, the Anasazi, Hohokam, and other peoples flourished in the forested highlands and Sonoran Desert lowlands. Many of the Indian tribes in Arizona today are the proud descendants of those ancient peoples.

It was not until 1528, with the arrival of Spanish missionaries and conquistadors in the towns of Tubac and Tucson, that the land and people were first reshaped. Spanish colonization eventually gave way to Mexican independence in 1821.

In 1848 the Mexican-American War concluded, with Mexico ceding much of Arizona to the United States.

In 1853 President Franklin Pierce saw an opportunity to build a transcontinental railroad connecting the South with southern California and purchased the remaining bottom half of the Arizona Territory from Mexico for $10 million—what today would be the equivalent of $244 million. It was around this time that American pioneers began to settle the towns of Prescott, Flagstaff, picturesque Sedona and Yuma, the gateway to gold-rich California.

During the Civil War, Arizona became a short-lived strategic interest

for the Confederacy. The war's western-most battle was fought in Arizona at Picacho Peak, about 50 miles north of Tucson. It reportedly lasted 90 minutes and involved about 25 solders.

In the years that followed, cattlemen and mining speculators flocked to develop Arizona's natural resources in towns such as Tombstone, Bisbee, Show Low, and St. John's, the birthplace of our late and beloved Morris Udall. The boundaries of the State soon began to take shape thanks to explorers such as John Wesley Powell, whose famous 3-month expedition down the mighty Colorado charted the first known passage through the Grand Canyon.

Efforts in Congress to pass statehood began around the turn of the 20th century. One proposal sought to combine the territories of Arizona and New Mexico into one massive State. But Arizona settlers would have none of it, and it is unlikely that the people of New Mexico were all too excited about the plan either.

At the time, many outsiders did not fully appreciate Arizona's untapped potential. They considered it nothing more than a desert wasteland, economically desolate and virtually uninhabitable. One of Arizona's first territorial representatives, Henry Ashurst, is known to have risen in Congress to argue that ''all that Arizona needs to flourish is good people and water,'' to which an east cost Member supposedly retorted, ''You could say the same about hell.''

Arizonans eventually succeeded in convincing Congress to grant statehood. This was partially due to the construction of the Theodore Roosevelt Dam in 1903, as part of the Salt River project in Phoenix, one of the Nation's first Federal reclamation projects. The Roosevelt Dam channeled lifegiving water from the Salt River into a series of irrigation canals that overlay a canal network dug by the Hohokam Indians more than 1,000 years prior. Fueled by irrigation water and hydroelectric power, the small community of Phoenix, which started as a cavalry hay camp at Fort McDowell, began its rise to national prominence.

My predecessor in the Senate, the late Senator Barry Goldwater, is among Arizona's most celebrated statesmen, having served five terms in this body. He was born in Phoenix when Arizona was still a territory and witnessed remarkable changes to the Grand Canyon State throughout his lifetime.

The Smithsonian magazine recently republished an op-ed Goldwater wrote in 1962 called ''Arizona's Next Fifty years'' where he imagines what Arizona would look like by 2012. Keep in mind that Arizona had barely 1 million people living across the entire State in the 1960s. Modern air-conditioning technology was relatively new, and the 1,500 miles of interstate crisscrossing the State today was still on the drawing board. Yet Goldwater correctly predicted a rapid population growth, comparing Phoenix to other major U.S. cities. I would like to share some of his predictions. He wrote:

> It will be the deserts that will support the majority of the new homes. Phoenix will have a population of about three million and Tucson will grow to about one and one-half million. Phoenix and Tucson will remain the two largest cities in the state, with Phoenix being either the fourth or sixth largest city in the United States. The growth of Glendale, Peoria and Avondale will parallel that of Phoenix proper, so that 50 years from now, all of these cities will be contiguous with each other and with Phoenix, and will form a city complex not unlike the present city of Los Angeles.

Anyone who has flown into Phoenix Sky Harbor International Airport can see from the sky, day or night, the infinite grid-like layout of the metro Phoenix area. Senator Goldwater understood that this kind of development would fundamentally alter how Arizonans relate to the desert, writing:

> The man of 2012 would not be able to walk from his doorstep into this pastel paradise with its saguaro, the mesquite, the leap of a jackrabbit . . . or the smell of freshly wet greasewood, because people will have transgressed on the desert for homesites to accommodate a population of slightly over 10 million people. The forests will be protected, as well as our parks and monuments. But even they will have as neighbors the people who today enjoy hardships to visit them.

Despite the challenges of increased demand on our natural resources, Senator Goldwater correctly believed that the State would mature into a modern, industrious economy with global connections. He said:

> Arizona's principal economic growth will be in the industrial field, with emphasis being on items of a technological nature. It will not be many years before industry will become an important part of the economies of most Arizona cities, whereas today it is more or less confined to a few. Arizona will continue to be the haven for people who seek an outlet for initiative and a reward for work. The frontier challenges will exist then as they do today, for man's progress never stops unless man stops it. Fortunately for our State, our men have always and will always want to go forward, not backward.

So what is Arizona today? Arizona's open skies and fair climate offer the U.S. military an ideal training environment for our soldiers and high-tech combat systems. Luke Air Force Base outside of Phoenix will be home to the F–35 fighter jet, the most advanced fighter in the world. The U.S. Army Intelligence Center is located at Fort Huachuca in southern Arizona, where UAV training serves a unique and irreplaceable national security mission. Davis-Monthan Air Force Base near Tucson, the Nation's premier A–10 Warthog base, hosts an array of special operations aircraft and will hopefully continue to grow in support of our military's drone fleet. Across the highway, Arizonans in the Air National Guard fly the newest F–16s to train foreign pilots from over 20 countries, and virtually every Marine Corps fixed-wing squadron that participated in Operations Desert Shield and Desert Storm underwent predeployment training at Yuma Marine Corps Station. Arizona is also home to nearly 600,000 veterans, many of whom have returned to their families and loved ones from Iraq and Afghanistan.

More copper is mined in Arizona than all of the other States combined, and the Morenci Mine is the largest copper producer in all of North America.

Two of the country's largest manmade lakes are in Arizona, Lake Powell and Lake Mead—the result of Hoover Dam—which supply drinking water to over 25 million people in Arizona, Nevada, and California.

Yuma, AZ, an agricultural powerhouse, produces about 90 percent of the country's winter vegetables. The lettuce in your salad this month almost certainly came from Arizona.

We operate the Palo Verde Nuclear Generating Station, located about 55 miles west of Phoenix, which generates more electricity than any other powerplant in the Nation.

It is home to three major State universities: Arizona State University, the University of Arizona, and Northern Arizona University, with an undergraduate and graduate population of over 130,000.

Arizona is a leader in manufacturing information, medical, and defense technologies. We are headquarters to TGen, the Translational Genomics Research Institute, which conducts cutting-edge genetic research with the goal of curing Alzheimer's, autism, Parkinson's, and numerous forms of cancer.

We support critical scientific endeavors to discover our place in the universe: Arizona's unique landscapes, such as Meteor Crater and the Painted Desert, once played a key role in the NASA Apollo training missions. The world's largest solar telescope is located at Kitt Peak National Observatory in Sells, AZ. The University of Arizona is actively involved in the Cassini, Mars Lander, and Mars Rover missions, as well as NASA's Osiris-Rex mission, which will be the first spacecraft to land on an asteroid and return a sample to Earth.

It is also believed that the chimichanga has its origins in Arizona, although its exact hometown is still a matter of vigorous historical debate among locals.

I am immensely proud of Arizona's rich history, and I am humbled to represent a State that has earned a special place in the American consciousness. Even when I travel overseas, it is seldom I meet an individual who doesn't know where the Grand Canyon is or isn't captivated by the tales of the Old West or doesn't admire the rugged individualism of Arizona's frontiersmen. I cannot presume to exercise the kind of predictive abilities that Senator Goldwater displayed in his article. All I can say is that Arizona's future is perhaps best prophesized by reflecting on our legacy—judging our achievements against our intrepid beginnings. For as

long as Arizona stays true to the pioneer spirit, I believe her best days are yet to come.

If I might ask the indulgence to read a short piece that I put in a forward to a book by Lisa Schnebly Heidinger, ''Arizona: 100 Years Grand,'' the official book of Arizona's Centennial:

Near the end of his life, Barry Goldwater tried to describe to an interviewer his affection for Arizona. He started to identify some of the many natural wonders so beloved by Arizonans when he became emotional. 'Arizona,' he proclaimed, 'is 113,400 square miles of heaven that God cut out.' Fighting back tears, and unable to continue at length, he managed only to add, 'I love it so much.'

For much of my life I had been rootless. My father was a naval officer and my childhood was an itinerant one as we moved from one base to another more times than I can enumerate. Following in his footsteps, I, too, made my home in the United States Navy, and the only place I lived for more than a year or two was an unexpectedly lengthy stay in a foreign country that would not let me leave and would have preferred I had never come.

Except for that period of involuntary residence, I had always lived my life on the move, part of a tradition that compensated me in other ways for the hometown it denied me. I had no connection to one place; no safe harbor where I could rest without care. Landscapes and characters all passed too quickly to form the attachments of shared history and love that calm your heart when age finally cages your restlessness.

I was nearly forty-five years old before I could claim a hometown. My ambitions brought me to Arizona, and my work keeps me away from here for more than half my time. But Arizona has given me a home, and in the thirty years that have passed since I moved here, it has worked its magic on me and enchanted me and claimed me.

In those thirty years I've been to almost every community that Arizonans carved from the wilderness and made thrive: places that have never stopped growing; and places where opportunities were exhausted and were abandoned to history; and places that rose and declined and were re-imagined and made to prosper again by the hard working, self starting dreamers Arizona attracts in such large numbers. I've marveled at the resourcefulness and vision of generations of Arizonans in Yuma and Page, Jerome and Kingman, Bisbee and Flagstaff, who knew success and failure, who struggled, achieved, lost and struggled again to build from their freedom and opportunities in the challenging and beautiful places that had won their hearts, strong, prospering and decent communities.

At the end of every election, I've stood on the courthouse steps in Prescott, our old territorial capital, and thought of the pioneering families whose names still resonate in contemporary public affairs like Udall and Goldwater. I look at the Bucky O'Neill monument, that memorial to the Rough Riders of whom he was among the roughest and bravest, and remember the names of Arizonans, of every station and walk of life, who risked everything so that the freedom Arizonans cherish so dearly and make such good use of would be birthright of all; names like Frank Luke and Ira Hayes, Lori Piestewa and Pat Tillman.

I've experienced every scene of spectacular beauty this blessed, bountiful, beautiful state possesses. I've hiked Canyon de Chelly, Chiricahua, and rim to rim in the greatest of our natural wonders, the Grand Canyon. I've rafted down the Colorado. I've walked the trails of Saguaro National Park; been struck mute by the awe-inspiring landscape of Monument Valley; and spent countless happy hours following hidden paths in our wilderness areas. I've houseboated on Lake Powell. Many times, I've driven through the desert in spring after a wet winter and felt myself become emotional as I marveled at the profusion of vivid colors, the mesmerizing beauty of desert wildflowers in bloom.

We have a home between Cottonwood and Sedona, to where my family escapes whenever we have the chance. It's on a bend of Oak Creek, surrounded by hills, a ghost ranch and Indian caves, adorned by fruit orchards and roses, and shaded by tall cottonwoods and sycamores. So many species of birds make their home there I have lost count of them. Common black hawks return annually to their nest in the sycamore beneath which I drink my morning coffee and give thanks for the blessing of living in such natural splendor. I have never in my life loved a place more. And when my public life is over, I will spend the remainder of my days there giving thanks, and enjoying the happiness of belonging to someplace so beautiful, smaller and more intimate than a nation that spans a continent.

The State of Arizona is approaching its centennial. A hundred years of audacious and difficult undertakings, of dreams won and lost and sought again, of progress and struggle and resilience. It's a rough and tumble history; colorful, heroic, bold and inspiring, like the character of the people who made it. You'll see it celebrated appropriately in this splendid book. And you'll glimpse the future that today's Arizonans, the dreamers and risk takers, lovers of freedom, captivated by the stunning landscapes and resilient, enterprising communities that have worked their magic on them, will build. It will be a future worthy of our predecessors' achievements and legacies; a future of adversity overcome and opportunities for all. We will change, as all places do. Others will come, as I once came, to make a new home or find the only home they ever really had in towns and cities and rural communities that will be better for their presence and contributions. They will face the challenges of their time and experience unexpected setbacks but they will stick with it, work harder, dream bigger and prevail. And a hundred years from now, their history, character and accomplishments will inspire their fortunate descendents and the newcomers who will come here to live in beauty and make the most of their lives.

We will change, but the values and beauty we treasure will remain intact. Arizona is 113,400 square miles of heaven that God cut out and Arizonans mean to keep it so. We love it that much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

(The remarks of Mr. LIEBERMAN, Ms. COLLINS, and Mr. ROCKEFELLER pertaining to the introduction of S. 2105 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, Republican Senators delayed a final vote on the nomination of Judge Adalberto Jordan of Florida even though the Senate voted 89–5 last night to end a Republican filibuster that has already prevented a vote for 4 months. This is a consensus nominee who Senator NELSON has been strongly supporting and who Senator RUBIO also supports. He should have been confirmed 4 months ago. He should have been confirmed last night after the overwhelming cloture vote. Instead, obstruction needlessly delayed the Senate acting to fill the emergency judicial vacancy on the Eleventh Circuit.

Senator NELSON has worked hard for this nomination, working to get Judge Jordan's nomination cleared by every Democratic Senator in October immediately after it was reported unanimously by the Judiciary Committee. We were ready to vote in October. We were ready to vote in November. We were ready to vote before the end of the last session of Congress in December. It is hard to believe that it is now the middle of February, over 4 months after Judge Jordan's nomination was reported with the support of every Democrat and every Republican on the Judiciary Committee, and the Senate still has not voted to fill this judicial emergency vacancy affecting the people of Florida, Georgia and Alabama. I appreciate why Senator NELSON is frustrated. I understand why Hispanics for a Fair Judiciary and the Hispanic National Bar Association are, too.

Let me refer to some of the reporting on this. One post begins:

So, here's the absurdity of our judicial confirmation process—the full Senate voted 89–5 to invoke cloture, meaning that Judge Jordan's nomination to the 11th Circuit would finally come to a vote. But then Senator NELSON said that one Senator is holding up the merits vote by demanding 30 more hours of 'debate' post-cloture. Senators LEAHY and BOXER both then commented how ridiculous such a request was, but that's the way it is. It looks like we'll have [to] wait another 30 hours for Judge Jordan to move up to the 11th. Silliness in our Congress . . . .

The article in the South Florida Sun-Sentinel reports:

South Florida lawyers praise him. Both of Florida's U.S. senators have recommended him. And the Senate Judiciary Committee voted unanimously to approve his nomination.

But U.S. District Judge Adalberto Jordan of South Florida has been blocked for four months from rising to the 11th Circuit Court of Appeals, the latest sign of a polarized and dysfunctional Senate.

A Senate filibuster that has kept Jordan waiting and the appellate court undermanned fizzled on Monday when the Senate voted 89–5 to move toward a final confirmation vote.

But Jordan is still waiting because one senator . . . objected to attempts to complete action on Monday . . . .

I have not heard from any Republican Senators objecting to this Judge explaining what they find wrong with this highly-qualified Cuban American. I am at a loss as to why Republican Senators continue to delay a vote on this outstanding nominee. This nominee is beyond reproach. This is another nomination battle that has nothing to do with the nominee and his qualifications. This is another example of obstruction based on a collateral objective. The people of Florida, Georgia and Alabama should not be made to suffer a judicial emergency vacancy

when this highly-qualified nominee should be confirmed without further delay. Nor did anyone come forward to explain the Senate Republicans' delay for the last 4 months. Cloture has been invoked by the Senate and the filibuster will be ended. There was no good reason to continue to hold up a vote that has already been delayed for 4 months.

When I first became chairman of the Judiciary Committee in 2001, I followed a time when Senate Republicans, who had been in the majority, had pocket filibustered more than 60 of President Clinton's judicial nominations, blocking them with secret holds in backrooms and cloakrooms, obstructing more with winks and nods, but with little to no public explanation or accountability. I worked hard to change that and to open up the process. I sought to bring daylight to the process by making the consultation with home State Senators public so that the Senate Republicans' abuses during the Clinton years would not be repeated.

When Senate Democrats opposed some of President Bush's most ideological nominees, we did so openly, saying why we opposed them. And when there were consensus nominees—nominees with the support of both Democrats and Republicans—we moved them quickly so they could begin serving the American people. That is how we reduced vacancies in the Presidential election years of 2004 and 2008 to the lowest levels in decades. That is how we confirmed 205 of President Bush's judicial nominees in his first term.

Now we see the reverse of how we treated President Bush's nominees. Senate Republicans do not move quickly to consider consensus nominees, like the 15 still on the Senate calendar that were reported unanimously last year and should have had a Senate vote last year. Instead, as we are seeing today and have seen all too often, Senate Republicans obstruct and delay even consensus nominees, leaving us 45 judicial nominees behind the pace we set for confirming President Bush's judicial nominees. That is why vacancies remain so high, at 86, over 3 years into President Obama's first term. Vacancies are nearly double what they were at this point in President Bush's third year. That is why half of all Americans—nearly 160 million—live in circuits or districts with a judicial vacancy that could have a judge if Senate Republicans would only consent to vote on judicial nominees that have been favorably voted on by the Senate Judiciary Committee and have been on the Senate executive calendar since last year.

This is an area where we should be working for the American people, and putting their needs first. This is a nomination that has the strong and committed support of the senior Senator from Florida, Senator NELSON, as well as that of Senator RUBIO, Florida's Republican Senator. Judge Jordan had the unanimous support of every Republican and every Democrat on the Judiciary Committee when we voted last October, although one Republican switched his vote last night to support the filibuster of Judge Jordan's nomination. This is the nomination of a judge, Judge Jordan, who was confirmed to the district court by a vote of 93 to one in 1999, even while Senate Republicans were pocket filibustering more than 60 of President Clinton's judicial nominees.

I regret that Republican Senators chose to delay a final vote on Judge Jordan's confirmation. He is a fine man who, after emigrating from Havana, Cuba at the age of 6 went on to graduate summa cum laude from the University of Miami law school and clerk for Justice Sandra Day O'Connor on the U.S. Supreme Court. He served as Federal prosecutor and Federal judge. The needless delay of Judge Jordan's confirmation is an example of the harmful tactics that have all but paralyzed the Senate confirmation process and are damaging our Federal courts.

It should not take 4 months and require a cloture motion to proceed to a nomination such as that of Judge Jordan to fill a judicial emergency vacancy on the Eleventh Circuit. It should not take more months and more cloture motions before the Senate finally votes on the nearly 20 other superbly-qualified judicial nominees who have been stalled by Senate Republicans for months while vacancies continue to plague our Federal courts and delay justice for the American people. The American people need and deserve Federal courts ready to serve them, not empty benches and long delays.

SURFACE TRANSPORTATION ACT

Mr. LEAHY. Mr. President, I want to respond briefly to comments of the junior Senator from Kentucky earlier today regarding his amendment to cut off all U.S. aid for Egypt.

First, let's take a step back. The new conditions on military aid for Egypt, which I wrote with Senator LINDSEY GRAHAM and were signed into law just 2 months ago, require a certification by the Secretary of State that the Egyptian military is supporting the transition to civilian government and protecting fundamental freedoms and due process. If the crisis involving the nongovernmental organizations whose offices were raided and are now facing criminal charges is not resolved satisfactorily, there is no way the certification can be made and Egypt will not receive $1.3 billion in U.S. military aid. But the Leahy-Graham conditions give the Administration flexibility to respond to this crisis. If we take a leap into the lurch and adopt the Paul Amendment, we risk causing a backlash and the opposite reaction of what we want.

It is ironic that the junior Senator from Kentucky, who is now insisting on a vote on his amendment to cut off all aid—not just military aid but also economic aid—did not even vote for the Omnibus bill that contained the Leahy-Graham certification requirement. For him it is all or nothing, but the real world is not so black and white.

No one disagrees with the goals of the Paul Amendment. Its purpose is no different than the Leahy-Graham provision in current law that has caused the suspension of military aid. We are all outraged by the crackdown against the NGOs. We want the charges dropped and their property returned so they can resume their pro-democracy work. But the scope of the Paul Amendment is so sweeping that it could backfire and make the situation immeasurably worse: The amendment cuts off all U.S. aid to Egypt—current and prior year—including hundreds of millions of dollars in economic aid and funding for anti-terrorism and nonproliferation programs. Aid that supports the Government of Egypt's ability to interdict arms shipments to Gaza would be cut off.

There is much at stake: the fate of the 19 American citizens facing criminal charges in Egypt; Egypt's continued adherence to the Israeli-Egyptian Peace Agreement could be jeopardized; over-flights for U.S. military aircraft; access to the Suez Canal; and the potential for further crackdowns against Egyptian civil society organizations.

If the Administration were ignoring the certification requirement in current law I might vote for this amendment, but they are not. In fact, the NGOs have repeatedly praised the Administration's efforts on their behalf. They have applauded the new leverage provided by the Leahy-Graham conditions. Both the State Department and the Pentagon are intensely focused on trying to resolve this. General Dempsey was just in Egypt meeting with top military officials about it.

If, over the coming days or weeks the situation continues to deteriorate, we can revisit this. But I would urge the junior Senator from Kentucky to withdraw his amendment until such time and to refrain from obstructing other business of the Senate. Let us see how things play out. Hopefully cooler heads will prevail. The Egyptian military will recognize that these NGOs were doing nothing more than supporting the transition to democracy in an appropriate and transparent manner, and the Egyptian military will agree that it is in Egypt's best interest to preserve close relations with the United States.

I see other Senators on the floor, so I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Alabama.

THE BUDGET

Mr. SESSIONS. Mr. President, this morning we had the Budget Committee hearing and the testimony of Mr. Zients, OMB Director, who works for the President and prepared, under the President's direction, the budget they submitted to Congress for the United States for fiscal year 2013 beginning

October 1. It is an important document. It is important because in it the President lays out his plan for what this Nation needs to do not just this year but for 10 years, during a time in which our debt crisis remains the No. 1 threat to America. That is what the experts from the President's own debt commission told us—we have never faced a more predictable economic crisis if we don't change our course of borrowing. We are now spending $3,700 billion a year and taking in $2,200 billion, borrowing 40 percent of what we spend. So it was an important hearing.

I was deeply disappointed that our new Director, Mr. Zients, seemed to be focused on one thing; that is, regurgitating the talking points he had been provided and steadfastly avoiding answering simple, important questions put to him by members of the committee.

We have two members of the committee here who I think will be sharing remarks about what we talked about today and how we need to address our debt crisis—Senator JOHN THUNE and Senator KELLY AYOTTE. They were there and participated and asked questions.

I think we all agree it was one of the worst witness performances in terms of being responsive to the questions that we have seen in our time in the Senate. I hate to say that. I know he was told not to say anything, just to keep repeating the talking points. But when America is facing a financial crisis and you are asking the budget director fundamental, simple questions, you expect and have a right to expect answers, not for me but for the American people. He does not work for the Obama political campaign; Mr. Zients works for the American people. He is a man who has access to the foot-thick, four-volume budget that was sent out, and he helped write it. It was written under his supervision. So we should be able to get straight answers immediately from this gentleman.

For example, I asked a simple question right off the bat: Does the President's budget spend more money than the agreement we reached last August over raising the debt limit for America? Does it spend more or less? And it went on for 4 minutes, and I kept repeating again and again: Well, is it more or less? Finally, at some point he said the President's budget would spend less, and that is not accurate. It spends at least $1.5 trillion more. So the budget director can't get straight whether or not the President's budget spends more and is $1.5 trillion off? A trillion dollars is a lot of money. I felt strongly about it.

Mr. President, I would ask unanimous consent to enter into a colloquy with my Republican colleagues for up to 30 minutes.

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

Mr. SESSIONS. Mr. President, I see Senator THUNE is here, and he has been through a lot of these matters and a lot of hearings during his time as part of the leadership here in the Senate, and I would ask him how he felt about the hearing this morning and the issues our country faces.

Mr. THUNE. Mr. President, I thank the distinguished ranking member on the Budget Committee for engaging in this discussion, and I am anxious to hear from our colleague from New Hampshire, Senator AYOTTE. She was there this morning and was able to ask questions of the witness, the panel we had in front of the Budget Committee.

I guess what struck me about listening to that discussion was just the evasiveness we had from Mr. Zients and, in fact, as the Senator from Alabama has mentioned, his failure to respond to very direct questions—not questions that are trick questions, questions that are just a matter of the facts.

I think what I was struck by too is that when he was asked about whether the administration wanted Majority Leader REID to bring the President's budget to the floor, he could not give a direct answer, and his comments indicated that they would not be calling on the majority leader to bring the President's budget before the Senate. The other thing I was struck by is that the President's own budget chief could not confirm or verify that the President has added already about $5 trillion to the debt since taking office. Those were both things that seemed like very straightforward questions and should have been very straightforward answers.

The fact is it is very difficult for him or any other official in this administration to defend this budget. This budget is not a serious budget, and even people on the other side, people in the media have all passed judgment and basically said that this is not the kind of budget that takes on the challenges the country faces.

I would say to my colleagues that it is hard to take this seriously when they aren't serious about it, but they ought to be because these are serious times. We live in a time where we are running a $15 trillion debt. This budget would add another $11 trillion to that debt over the next 10 years. We are living in a time when we have European countries that are on the verge of fiscal collapse with regard to their economic and fiscal situations, much of which we are watching on a daily basis unfold in front of us and what that might mean for our country, and hopefully there is something instructive about that because clearly we need to be taking a page out of what is happening there and getting our house in order now.

We have made promises to the American people that we can't keep. We need to reform our entitlement programs. And that probably more than anything else was the biggest disappointment in the President's budget because it is the fourth year in a row where he has proposed a budget that doesn't do anything to address the fundamental drivers of Federal spending, and by that I mean the mandatory part of the budget; that is, Social Security, Medicare, Medicaid, SNAP. All of those different programs represent today, with interest on the debt, about 64 percent of all Federal spending. At the end of the 10-year period, they would represent 78 percent of all Federal spending. So this budget is a dramatic increase in the amount we are spending on various programs. That is what is driving Federal spending today, that is what will drive Federal spending into the future, and that is why a failure and a lack of leadership when it comes to the issue of entitlement reform is so disturbing, and it really is a missed opportunity.

I understand that this is an election year. Everybody says this is a campaign document, this is a political document. That does not absolve the President or us of the responsibility we have to the American people to start making some decisions around here that will get this country back on the right fiscal track.

When you propose a budget that spends literally $47 trillion over the next 10 years, which is basically what we are talking about here, then you have not done much to bend the spending curve in the right direction. So I would strongly disagree with Mr. Zients' statement today that this is a ''very tight budget''—that is how I think he described it.

We have Governors around the country who are making some tough decisions to balance their State budget. The Federal Government ought to do the same. South Dakota is a good example of that. We made some difficult decisions this last year, and as a consequence of that, our budget situation is much better this year, but it is because they had the courage to step forward and do some things that needed to be done.

The budget proposed by the President fails to rein in government spending and balance the budget. As I said, it adds $11 trillion to the national debt, which will reach—if my colleagues can believe this—nearly $26 trillion by the end of the decade under the proposal the President put forward.

I could go on, but I would say to my colleague from Alabama and to my colleague from New Hampshire that based upon what we heard this morning, I guess I don't feel very reassured that this administration gets it. The President's budget submission clearly was an example that they don't get it, and the defense of it this morning that we heard in front of the Budget Committee certainly reinforced that impression with me. But I would be interested in knowing what the Senator from New Hampshire, who was there and able to question the panelists, including the OMB Director, thought based on the testimony we heard this morning.

Ms. AYOTTE. I thank my colleague from South Dakota as well as my colleague from Alabama, the ranking

member of the Budget Committee. I was deeply troubled this morning, because I asked Mr. Zients about the President's budget and my concern that under the trajectory of the President's budget we would be reaching $26 trillion of debt in the next 10 years, and I was shocked when he described the President's budget as a milestone, as leadership. This to me is not leadership. If it is a milestone for anything, this budget is a milestone for bankruptcy and what we see happening in Europe and other areas of the world that we don't want to happen to our country.

When I think about it—I am the mother of two children—how could we possibly ask our children to pay back $26 trillion in debt? It is outrageous.

I was surprised that Mr. Zients couldn't answer a basic question such as how much debt has been added under this President. As the Senator from South Dakota mentioned, it is close to $5 trillion in debt.

Also our entitlement programs. I know my grandparents are relying on Medicare and Social Security. I asked Mr. Zients—the Medicare trustees have said that Medicare is going bankrupt in 2024. We know Medicare is a huge driver of our unsustainable debt and that if we don't act to preserve these programs, then the people who are relying on them are going to be put in a horrible position very soon—2024 is coming very quickly. I asked Mr. Zients the question: What is the President's plan to preserve Medicare? What I got was a completely insufficient answer. That is because in this budget there is no plan to preserve Medicare for my grandparents and for everyone who is relying on Medicare right now.

When I reviewed the President's budget, it reminded me of a discussion I have had with my kids recently. In the last couple of weeks we have been talking about Punxsutawney Phil, the groundhog who comes out and looks at his shadow to see if we are going to have more winter. Well, Punxsutawney has already come out of his hole, but in Washington it is Groundhog Day all over again when it comes to the President's budget, because every year this President has been in office, his proposed budgets have left us with trillion-dollar deficits, increased gross debt as a percentage of the share of our economy, continued massive spending, racking up enormous debt to where we will reach $26 trillion in 10 years. There is no plan to reform Social Security and Medicare, to preserve these programs, and they are mandatory spending and, as Senator THUNE mentioned, the largest driver of our debt, and massive tax increases. It is staggering when we think about a budget that offers close to the largest—if not the largest—tax increase in the history of our country, yet still runs a $1.3 trillion deficit this year and at least a $900 billion deficit in 2013. It is the worst of all worlds. We are going to increase taxes on small businesses in this country that we are asking to generate revenue and create jobs, yet we are still going to run trillion-dollar deficits.

This is a very irresponsible budget. We cannot afford a campaign document. We need a budget for this country. Because when I think about where we are, when I think about what is happening in other countries around the world—in Europe—and the future of our country, and not only all of us here today, but what we will be passing on to my children and your children because they can't repay $26 trillion in debt—how is that going to happen? And how fair is that? They didn't incur this debt. We did. We have a responsibility to address this now.

I have been deeply disappointed by this President and his failure of leadership on this issue. Think about it: My colleague Senator Gregg served on the President's fiscal commission. The President convenes a fiscal commission and ignores his own fiscal commission. In fact, since that time, we have incurred $1.5 trillion of debt since the fiscal commission issued a report. Last year the President's budget came up for a vote in this body. It was so fiscally irresponsible that not one Member of this Chamber, from either party or the Independents, voted for the budget. That says it all. Yet, again, we have a similar budget being proposed by this President. That is why I say, unfortunately, it is Groundhog Day in Washington all over again.

It is unfortunate, because the American people have seen this over and over again, and they are very tired because they understand at home they have to balance their budgets. They understand that at home, they are making the difficult calls that need to be made to prioritize. Yet, here in Washington, with this President's budget and the trajectory our country is on because of the failure of leadership, we are in a position where we are hurting our country, and I am very concerned about what we are passing on to the next generation. I hope my colleagues on the Senate Budget Committee will actually do the work that needs to be done and put together a responsible budget for this country, because it has been over 1,000 days since the Democratic-controlled Senate has actually done the work that needs to be done for this country. If the President is not going to do it, then I hope that in this body, the Senate, we will put together a responsible budget that gets our fiscal house in order for the future of our country.

I hope this Acting Budget Director, Mr. Zients, the next time he comes before the Senate Budget Committee, will answer the questions he is asked. This is simple math. When Senator SESSIONS asked him whether we are spending more money, one would hope to get a straight answer. That is the least the American people deserve. I am hoping that is what they will receive going forward.

I wish to ask my colleague, Senator SESSIONS, the ranking member of the Budget Committee, what his impression of the President's budget is in terms of where it leaves our country going forward and what he hopes the Senate Budget Committee will do to address this fiscal crisis.

Mr. SESSIONS. I thank my colleague. I know Senator AYOTTE wanted to be on the Budget Committee. We had a host of fabulous new Senators who wanted to be on it. We got four, but many more wanted to be on it. Senator PORTMAN, Senator TOOMEY, Senator JOHNSON, and Senator AYOTTE were selected.

I would say I know how disappointing it was because we talked about how we didn't even mark up a budget last year. So the people who wanted to be on there to participate in the great issue of our time—the debt this Nation is facing—got no ability or option or opportunity to participate in the debate because the majority party in the Senate decided that was not what they wanted to do. The majority leader said it would be foolish to have a budget. It is very sad.

The President's budget represents an opportunity and a responsibility to guide this Nation for the future. The President has no higher duty, no higher responsibility than to help the Nation avoid an obvious crisis. Mr. Bowles and Senator Simpson, who chaired President Obama's debt commission, looked us in the eye and issued a joint statement on the Budget Committee last year about this time that said the Nation has never faced a more predictable economic crisis. What they were saying was if we don't change what we are doing, we are headed to a crisis. Mr. Bowles, President Clinton's Chief of Staff, said to us that this crisis could happen within 2 years.

I saw yesterday on the television, ''Morning Joe,'' Mr. Haass of the Council on Foreign Relations talk about Greece. He is internationally recognized. He said the United States could be having this next year. I would say what is stunning to me is that when we look at this budget, it does not change the debt trajectory. We have looked at those numbers. We have looked at those numbers and it does not change the debt trajectory. It increases spending. It increases taxes. And, at the end of the day, based on current law that we achieved last year—minimum steps, but they were achieved—the Budget Control Act numbers that would allow the debt to increase to $11.5 trillion next year, under the President's budget that he asserts reduces the deficit by $4 trillion, the deficit would increase by $11.2 trillion—almost no change at all. We need big change. He took away some of the spending reductions and replaced them with more tax increases—the reductions we painfully agreed to last August.

I am disappointed in the President's leadership on that. The Senator from South Dakota has been here and dealt with these issues. Maybe he has comments about it. I will yield to him.

Mr. THUNE. I would say to the Senator from Alabama that it was interesting to me because at the White House Fiscal Responsibility Summit in February of 2009—this is in the context of discussing our unsustainable budget deficits—President Obama said the following:

Contrary to the prevailing wisdom in Washington these past few years, we cannot simply spend as we please and defer the consequences to the next budget of the next administration or the next generation.

That is exactly what he has been doing now for 4 years, literally—every budget, every year. We think, OK, maybe this year the President is going to get serious because we have serious problems and these are serious times in which we are living and we have to get the situation turned around or we are headed for certain disaster. Yet, last year, as was noted, the President's budget when it was put on the floor of the Senate did not garner a single vote here—not a single vote. It was 97 to 0. It was unanimously rejected by the Senate, Members on both sides voting against it.

This year one would think, OK, the situation has gotten much worse. Our fiscal situation has deteriorated even more. The amount of debt we have racked up is continuing to accumulate. We thought perhaps this year we would see a budget that actually did address these problems, but, no, we have a budget that is filled with more spending, more debt, and higher taxes at a time literally when we need to be tackling spending, we need to be taking on saving Social Security and Medicare for the next generation, and doing something to create economic growth and get jobs created for American workers.

What is disappointing is not just the fact that the spending and debt situation is out of control but also the impact it has on the economy. The Senator from Alabama knows full well, because we both have studied this subject, that when we look at the research that has been done with regard to the impact of spending on debt and economic job creation, when we achieve a certain level or arrive at a certain level of debt as a percentage of the economy—90 percent is the threshold and it costs about a percentage point of economic growth every year, which means fewer jobs, and in this case about a million fewer jobs, in our economy. So the high, sustained levels, chronic high levels of debt and spending are directly impacting our economy's ability to get out of this cycle we are in and to start growing and expanding again and creating jobs.

Mr. SESSIONS. The Senator from South Dakota says ''directly impact.'' The way I read the Reinhart-Rogoff study and what I think I hear the Senator saying is that this isn't just that a debt crisis might happen—and those can happen quickly, as they warn in their book, that a crisis can happen when we are at this debt level out of the blue, things we never expected, and we are in serious financial trouble, like our 2006–2007 financial crisis that nobody predicted.

But I guess what I am saying to you is, they also indicate that huge debt can impact economic growth today. And they say, when your debt reaches 90 percent of GDP, your debt is that much that it will slow growth by 1 to 2 percent.

We are already at 100 percent of GDP. Does the Senator think it is possible their study, based on empirical data, might be telling us that the debt, right now—because it weakens confidence and drains investment capital—that our debt now could be slowing our economy?

Mr. THUNE. I think it is very clear. I think if you look at, as the Senator said, the debt as a percent of GDP—now over 100 percent; think about that—this is the highest level of debt, highest level of spending as a percentage of our GDP that we have seen literally since the end of World War II. We have not seen anything that rivals it. We have seen now 4 years in a row where we have run trillion-dollar-plus deficits, and we have added, as was said earlier, nearly $5 trillion to the debt since this President took office. But when you get that kind of debt level sustained over time, it does have a direct impact on jobs and the economy, and I believe we are paying a price for that right now. You can look at what is happening, obviously, with the high levels of debt and the impact it is having on countries in Europe.

So this whole idea with the President producing his budget and not taking that issue on, not doing anything substantial or meaningful with regard to spending or debt, and then adding to it, and making matters even worse, raising taxes by almost $2 trillion—it seems like a most natural instinct. It is just in their DNA. Everything has to be about raising taxes. And, clearly, that is not the solution. We all know that. In fact, we need to create policies that will be conducive to economic growth and job creation in this country.

Raising taxes on investment, which is what this budget does—by the way, it would raise capital gains tax rates from 15 percent to 20 percent right away, and then if you are hit by the Buffett rule, it would go up to 30 percent. It would raise the dividend tax rates from 15 percent to up over 39 percent—almost triple the tax on dividends in this country, which, incidentally, have already been taxed at the corporate business level. So you are talking about almost tripling the tax rate that Americans are going to have to pay on investment income. Then you look at the ObamaCare taxes that would kick in, the 3.8 percent on investment income, you add that and you start getting to a marginal income tax rate that is up in the 43, 44-percent range. It is very hard to argue that can be anything but awful when it comes to jobs.

The entire budget—from the failure to address spending and debt, the failure to take on saving Social Security and Medicare by reforming our entitlement programs; and it seems as though the constant reliance on taxes is their answer to everything—could not be a worse budget for the American people. It could not be a worse budget for the economy. It could not be a worse budget for jobs. And it certainly could not be a worse budget for seniors, as we continue to watch Medicare and Social Security cascade further and further toward bankruptcy. It is a bust as far as I am concerned. I think that is why people on both sides and people in the media and the American people get it.

It is time for this administration to get serious because these are serious times. When you are going to do big things, you need Presidential leadership. There are 100 Senators, 435 Members of the House of Representatives, 535 of us in all. There is only one President, one person who can sign a bill into law, one person who can engage the American public and the Congress in a way that will help us solve these big problems and tackle the challenges we face as a Nation right now. This budget does none of that.

Mr. SESSIONS. I thank the Senator for his comments and his leadership on all these matters that relate fundamentally to job creation and economic growth. Tax increases do not facilitate economic growth. And when you surge debt, it increases more and more pressure to raise taxes. A lot of people in my State say: JEFF, the debt is being run up so you will have to raise taxes. That is what they planned all along. Whether it is true or not, we are finding that. So we need to take steps today to put this country on a sound financial course.

To demonstrate how impactful the debt is, this year the interest on the debt we will pay—of the entire $3,700 billion we spend, $225 billion will be spent on paying the interest on the money we borrowed. A lot of people do not understand, when you borrow money, you pay interest on it. And the interest rates at this point in history are some of the lowest in history for a developed economy. But the President's own budget—the tables he has in his own budget, the assumptions he has about the expenses we will have to pay—assumes that 10 years from today we will not be paying $230 billion but $850 billion. That is more than Social Security. That is more than Medicare. That is more than the Defense Department. That is 10 times what we spend on food stamps. It is multiple times what we spend on education and highways—maybe 20 times what we spend on highways. And we are talking about a highway bill today and trying to find the money to keep it on a basic level of funding, to find the money for that, and this interest is going to be hammering us every year because we are running extraordinary deficits every year.

The American people are not happy with us because they know there can be no excuse for spending $3,700 billion and taking in only $2,200 billion and borrowing 40 cents of every dollar, having to have interest be the fastest growing item in the entire budget of America, and soon to dwarf the Defense Department, even Social Security and Medicare and Medicaid.

This is not right. This is bad policy. There can be no excuses. The President—the man who is captain of the ship—is having lunch somewhere while the ship is heading to the shoals and not providing any leadership to get us off this path. In fact, worse, I would say, the President attacks people who propose serious solutions. PAUL RYAN in the House worked hard on a budget. They laid out some good proposals that would have changed the debt course of America. It was a historic budget, do you not think, I say to Senator THUNE.

We can disagree about parts of it, but he was attacked by the President, who himself proposes nothing. And the leadership in this body will not even bring up a budget. He said it was foolish. Why is it foolish? Because if we have a budget debate on the floor of the Senate, people get to offer amendments, and they get to debate the honest depth of the danger this country faces, honestly, openly, and you have to vote on it, and the majority leader does not want to have to have his Members vote on it because he wants to avoid responsibility for facing the greatest crisis this Nation is facing.

Admiral Mullen, the Chairman of the Joint Chiefs of Staff, appointed by President Obama, said: The greatest threat to our national security is the debt. That is true. It is out there. If we do not deal with it, we are going to have a crisis.

I am disappointed at this whole process. I was disappointed at the hearing today. I thought we got irresponsible answers. I think the budget is irresponsible. It in no way deals with the main drivers, as Senator THUNE has said: Medicare, Medicaid, Social Security, food stamps—all entitlements. Those are not even touched in any serious way. Increasing at 8 percent, the highest growth rate predicted by the President in their 10-year budget is 4 percent. So these programs are increasing twice the rate of GDP. That is unsustainable. It is unsustainable. We need some leadership around here to confront it, and we do not need a President who attacks people who have the courage to actually lay out some plans to fix it.

Mr. THUNE. If the Senator would yield on that point, in closing, I do think there will be a vote probably at some point. The House is going to pass a budget. We know that. I suspect what will happen is what happened last year. If the Senate fails to produce, if the Democratic majority does not produce a budget here, we will end up voting on the House budget, perhaps on the President's budget. But the regrettable thing about all that is we are not doing our job as Senators. It has been over 1,000 days now, and this will be the fourth year in a row in which this body has not adopted a budget. What we have gotten from the President, of course, is not a serious one. All they want to do is get out and demagog and attack people who are serious about solving this problem.

Last year, as was the case with the House-passed budget, when it came over here, it was routinely attacked and demagoged. But nothing was ever put forward that would represent an alternative because they do not want to deal with these issues. It is unfortunate for the American people.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator's time has expired.

Mr. THUNE. We yield our time.

Mr. SESSIONS. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. BINGAMAN. Madam President, I want to talk about another subject; that is, five of the executive branch nominations that are pending before the Senate today.

To put this in context, every day when the Senate is in session, one of the documents that is put on every desk here in the Senate Chamber is what is called the Executive Calendar. The Executive Calendar is a listing of all the nominations that have been reported by the various committees of the Senate for consideration by the full Senate. These are, of course, nominations that the President has made and asks the Senate to agree with. So there is usually a list of these executive nominations.

I have become particularly concerned in recent weeks that this list has grown and grown and grown. In fact, there are now 79 appointments that the President has made, nominations that the President has made, that have been approved by the various committees of the Senate but have not been brought up and voted on here in the Senate itself.

That, to me, is an unfortunate result and one with which we need to concern ourselves.

I want to particularly talk about five of these nominations for important offices in the Department of Energy. We have Secretary of Energy Steven Chu coming before the Energy Committee on Thursday to talk about the President's proposed budget as it affects the Department of Energy in the upcoming year. These are nominations for management positions in his Department, he is very much in favor of us moving ahead.

Each of these offices—these five I am talking about here—has important responsibilities. Together, the five of them make up a large part of the management structure of the Department of Energy.

A frequent observation I hear on the Senate floor about energy policy in our country is that the United States needs to have an ''all of the above'' approach to energy. I do not know how we can execute an ''all of the above'' strategy for energy when we have vacancies in the key government offices that oversee fossil energy, nuclear energy, renewable energy, energy efficiency, small and minority business access to energy programs, and we have a vacancy in the legal counsel office for the Department of Energy as well.

The President has nominated five outstanding individuals to fill these ''all of the above'' energy posts. Our committee, the Energy and Natural Resources Committee, held hearings on each of the nominees, has examined their qualifications, and I am pleased to report that the committee reported all five of these nominees unanimously, recommending to the full Senate that we approve them.

The most senior of the five positions is the office of the Under Secretary of Energy. The Under Secretary's responsibilities include energy efficiency, renewable energy, fossil energy, nuclear energy, and electricity. This position has been vacant for nearly a year and a half. The President has nominated Dr. Arun Majumdar to this important post. Dr. Majumdar is currently the Director of ARPA–E, the Advanced Research Projects Agency located at the Department of Energy.

The Senate confirmed Dr. Majumdar to the position he now holds at ARPA–E as the Director of ARPA–E in October of 2009. He is currently serving as the Under Secretary on an acting basis, and serving as Secretary Chu's senior adviser.

Dr. Majumdar is a highly distinguished scientist and engineer. Before he came to Washington, he was the associate laboratory director for Energy and Environment at Lawrence Berkeley National Laboratory. He was a professor of mechanical engineering and materials sciences and engineering at The University of California at Berkeley. He holds a dozen patents. He has authored close to 200 scientific papers. He has served as an adviser to both the National Science Foundation and the President's Council of Advisers on Science and Technology, as well as startup companies and venture capital firms in Silicon Valley. He holds a doctorate from UC Berkeley, and he is a member of the National Academy of Engineering.

So it is clear to anyone who looks at his qualifications that he is an eminently qualified scientist, and, frankly, we are very fortunate to have someone of his caliber willing to serve as the Under Secretary of Energy.

The second nomination I want to talk about is for the general counsel's position at the Department. This is, of course, the Department's top legal officer. This position has been vacant since last March—nearly a year. The President has nominated Gregory Woods to be the general counsel. Mr. Woods is currently the deputy general

counsel in the Department of Transportation. He was previously a partner in a New York law firm. He was a trial lawyer in the Department of Justice before that.

The third office I want to speak about is the Assistant Secretary for Fossil Energy. This important office is responsible for research and development programs that cover coal, oil, and natural gas. It is a position that has been vacant for over a year.

The President has nominated Charles MCCONNELL to be the next Assistant Secretary for Fossil Energy. Mr. MCCONNELL is currently the Chief Operating Officer of the Office of Fossil Energy. Before coming to the Department of Energy, he spent 2 years as a vice president at Battelle Energy Technology and 31 years before that at Praxair, Inc., a Fortune 500 company that produces industrial gases.

The fourth vacant office I want to speak briefly about is that of the Assistant Secretary for Energy Efficiency and Renewable Energy. This office is responsible for programs designed to increase the production and use of solar and wind and geothermal and biomass and hydrogen and ethanol fuels, for improving energy efficiency in the transportation and building and industrial and utility sectors, and for administering programs that provide financial assistance to State energy programs and weatherization for low-income housing.

For this position, the President has nominated Dr. David Danielson. Dr. Danielson is currently a program director at ARPA–E. Before that he was a clean energy venture capitalist specializing in financing of solar and wind and biofuels and carbon capture and storage and advanced lighting projects. He holds a doctorate in material science and engineering from MIT.

The fifth and final office I want to mention is that of the Director of Minority Economic Impact, which is responsible for advising the Secretary on the effects of energy policies on minority business enterprises and educational institutions and communities and on ways to ensure that minorities are afforded an opportunity to participate fully in the Department's programs. This position has been vacant for nearly 2 years.

The President has nominated LaDoris Harris to head the office. Ms. Harris is currently the president and chief executive officer of Jabo Industries, a minority-woman-owned management consulting firm that specializes in energy and information technology and the health care industry. She has previously been an executive with General Electric and has held executive and management positions at ABB and at Westinghouse before that.

All five of these nominees are outstanding individuals who are especially well-qualified for the positions for which they have been nominated. These are important positions. They need to be filled. All five nominations were unanimously reported, as I indicated before, by our Energy and Natural Resources Committee this last fall. Four of them have been on the calendar—the Senate's Executive Calendar—since November 10. The fifth was added on December 15.

I am not aware of a single objection that has been raised—any objection on any substantive basis for any one of these. In my view, they all deserve to be confirmed, and Secretary Chu deserves to have them confirmed so that he can implement the policies and the laws we are enacting in a responsible way.

I will ask consent now to go ahead and approve these nominees and see if we can get at least these 5 out of the 79 who are on the Executive Calendar approved. Hopefully, that will allow Senators to see that there is a way to get some of these executive nominees approved as well.

I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 493, 494, 495, 496, and 527; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table with no interviewing action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection to the request?

The Senator from Kentucky.

Mr. PAUL. Madam President, reserving the right to object, I would like to accommodate the President and these nominees. I think the chairman, the distinguished Senator from New Mexico, has made very good points about their qualifications. But I would be remiss if I did not rise in support of 1,200 jobs in Paducah, KY, which are threatened to be lost because the Department of Energy is refusing to address the situation.

We have a company that has 1,200 jobs in Paducah, KY, which enriches uranium. For 50 years uranium has been accumulating, and it sits on the ground as a waste product. We could recycle this. It is a green project. It costs no taxes. In fact, it will actually bring back money to the Treasury.

What I would like is help from the chairman as well as the President as well as Secretary Chu on this issue. I have written to Secretary Chu, and we have not heard back. This is very important to us. We are in the midst of a great recession, and 1,200 people are destined to lose their jobs. Once again, this does not cause any spending. It does not cost any taxes. Actually, if you would allow us to reenrich this uranium, it would bring money back to the Treasury. That is my reason for holding this. I would hope that we could find some reason and means to accommodate each other.

Until that time, I would continue to object to these nominations.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, maybe if I could just be clear as to exactly what action the Senator from Kentucky is requesting of the Secretary—I know he indicated that he had contacted the Secretary or written to the Secretary and had not heard back. But is there some specific action that the Secretary is being asked to take that we can clarify so that we would know whether this is a request that could be accommodated?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, in response to that question, yes. The government owns the uranium. It has been sitting there for 50 years. It is my understanding that the Department of Energy or the President could at any time sign a statement saying that uranium can be enriched.

It is completely under his prerogative and 1,200 jobs could be saved. These are good-paying jobs. Many of these are union jobs. These are people I would like to help in my State. It does not cost the government anything. It does not cost the taxpayers anything. In fact, it uses a waste product that is sitting on the ground. We had an agreement. We have worked with United Uranium Mine Workers. We have worked with Senators and Congressmen from different States to try to get this figured out. But all it takes is a signature from the Department of Energy to allow them to enrich this uranium.

The Defense Department has written statements saying they could use this uranium. The GAO has said this is the best use of this waste product. But I believe the Secretary of Energy, through a stroke of the pen, could save these 1,200 jobs. That is what I am asking for help with.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, let me just indicate to my colleague from Kentucky that I am encouraged to hear that this is an action that could be taken without any cost to the taxpayer. I think that is obviously important.

I do not know all of the arguments for and against the action the Senator is advocating or requesting. But we certainly will look into that.

Let me ask one additional question, if I could. If we are able to accommodate the Senator from Kentucky with regard to this request he has made to the Secretary of Energy, is that the only objection he is aware of to the approval of these five nominees or are we going to have additional Senators coming to the floor raising additional objections in the future, even if this action is taken?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, this is my only objection. If the Senator were to help me save these 1,200 jobs, we would erect a monument to him in Kentucky. This is a big deal for us. It does not cost anything. I would do everything within my power to make sure there is no objection on our side. I think it is the President's prerogative. I will help facilitate this process as soon as possible. This would be huge for us in Kentucky if we could save these jobs.

Mr. BINGAMAN. Madam President, obviously, I do not want a monument erected to me in Kentucky. But I do appreciate the Senator from Kentucky indicating his commitment to help get these nominees approved if some accommodation could be found for his concerns. As I say, I have no knowledge of this particular issue. I do not know whether the request the Senator from Kentucky is making is within the realm of possibility.

We will certainly go as far as to investigate the issue and try to get a response back to the Senator as to the Department of Energy view on this issue. That much I can certainly commit to the Senator from Kentucky. But I appreciate his willingness to discuss this issue on the Senate floor. I also very much, as I said before, appreciate his commitment to help us get these nominees approved if some accommodation of his concerns can be agreed upon.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

KEYSTONE XL PIPELINE

Mr. HOEVEN. Madam President, I rise to speak on the issue of energy security for our Nation. I have filed legislation which would approve the Keystone XL Pipeline. I filed our bill as an amendment to the highway bill. That bill is the Hoeven-Lugar-Vitter-McConnell-Johanns-Hatch bill. But it actually includes 45 Senators as cosponsors of the legislation. As I said, I filed it now as an amendment to the highway bill.

The fact is Congress needs to act. The administration, after more than 3 years, has decided not to act—evidently will not act on this important issue. So we in Congress need to.

This highway bill provides a tremendous opportunity. The highway bill is about infrastructure, vital infrastructure for our country. That is exactly what the Keystone XL Pipeline is. It is vital infrastructure that is very much needed by our country.

Look at gas prices today. According to the Lundberg Survey or AAA, gas prices are now more than $3.50 a gallon. That is the highest they have been at this time of year ever—more than $3.50 a gallon.

Since President Obama took office, gas prices are up 88 percent. They are up 88 percent. That is even though demand is down. We are using less. Demand in the United States for gasoline is down by 5 percent. Yet we are seeing record high gas prices. AAA is now projecting that gasoline will go to $4 a gallon by Memorial Day.

Some are saying we could see $5 gasoline this year—$5 a gallon. Why is that? All we have to do is look to the Middle East to understand what is going on. With the turmoil there, Iran is threatening to blockade the Strait of Hormuz. Something like between one-fifth and one-sixth of all the seaborne oil in the world goes through the Strait of Hormuz. So we can imagine what would happen if Iran blockaded that strait.

Why are we continuing to get oil from the Middle East and places such as Venezuela? Nearly 30 percent of the crude we use comes from places such as the Middle East and Venezuela. Why? Why are we doing that when we don't have to? We don't have to. Why not produce that oil in this country and get it from our closest friend and our strongest trading partner, Canada?

The reality is, we can have North American energy independence. We absolutely can do it. I believe we can do it within the next 5 years. In my home State of North Dakota, we now produce 535,000 barrels a day of light sweet Bakken crude oil. But the problem we have is we cannot get it to market. In the last 5 years, we have increased production from about 100,000 barrels a day to more than 500,000 barrels a day, and it is continuing to grow. But we need pipelines to get that product to refineries in the United States. That is what the Keystone XL would do. More than 100,000 barrels a day of our oil would go into the Keystone Pipeline to get it to refineries.

From Canada, 700,000 barrels a day would go into the Keystone XL Pipeline. So we are talking about 830,000 barrels a day that would go through the Keystone XL Pipeline, which we would not need to get from the Middle East.

Between the United States and Canada, and some from Mexico, building infrastructure such as the Keystone XL Pipeline, we can produce more than 75 percent of the crude oil we need in our country, and that is growing. When I talk about North American oil independence or North American energy independence, that is very attainable. It is something we can absolutely do, but we need the infrastructure to do it.

Today, in North Dakota, light sweet Bakken crude is suffering a discount of $27 a barrel. Our oil is suffering a discount of $27 a barrel because we are constrained by pipeline capacity. In Canada, Syncrude is suffering a discount of $21 a barrel because of that pipeline capacity. Even in Cushing, OK, a hub for oil in this country, oil has been discounted because it cannot move to the refineries because we lack the pipeline capacity.

But even with these bottlenecks, as I have pointed out, these discounts at the pump, consumers and businesses are paying more than $3.50 a gallon. The bottlenecks create those constraints. Think of the impact on our economy and to our consumers. There are other impacts as well. For example, in North Dakota, we have more truck traffic on our western highways than ever before. That means more fatalities, more traffic accidents. It also means a lot more wear and tear on our infrastructure. So we are talking about a highway bill to maintain and improve our highway infrastructure throughout the country, and in my State our roads are getting worn out by all that truck traffic. The Keystone XL Pipeline alone would reduce the truck traffic on our highways just in North Dakota by 17 million truck miles a year. Again, that is 17 million truck miles a year—all that without one penny of government spending, not one penny of Federal Government spending. So it is a $7 billion private investment in enhancing our infrastructure that would not cost us a penny.

The Keystone XL Pipeline will create needed infrastructure, tens of thousands of jobs, more energy security for our Nation, and millions in tax revenues, all with no government spending. The U.S. Department of Energy said the Keystone XL Pipeline will lower gas prices—not ''may'' but ''will''—for the east coast, the gulf coast and the Midwest. But the Obama administration says no.

So the Canadian Prime Minister, Stephen Harper, goes to China last week. While there, he met with President Hu Jintao of China about selling Canadian oil to China. Prime Minister Harper said this in The Gazette:

> We are an emerging energy superpower. . . . We have abundant supplies of virtually every form of energy. And you know, we want to sell our energy to people who want to buy our energy. It's that simple.

He also spoke of ''a new era in a strategic Canada-China energy partnership.'' To the United States, he said:

> If you don't want Canadian oil sand crude, China is a waiting customer.

To back it up, he returned with a memorandum of understanding from China to develop energy sales from Canada to China.

To those who don't think the Canadian oil sands are going to be produced, that is wrong. They are going to be produced. This oil will be produced. The issue is whether it is going to go to China or come to the United States. The reality is, if it goes to China, it will be worse environmental stewardship. If it comes to the United States, there will be better environmental stewardship.

Let's talk about that for a minute. First off, if it comes from the United States in a pipeline instead of going to China, we don't have to haul it in tankers across the ocean, which produces greenhouse gas. The oil going to China creates more greenhouse gas because we have to haul it to China.

Second, if we are not getting it in the pipeline, we are going to have to continue to have tanker loads coming here from the Middle East and Venezuela—again, producing more greenhouse gas.

Third, we have the best refineries in the world. We have the highest standards and the lowest emissions in our refineries. Instead, this oil will go to China, where they have more emissions and more greenhouse gas. That is worse environmental stewardship by sending it to China, not better.

Another point. Eighty percent of new production in the Canadian oil sands is in situ. That means drilling down to bring up the oil, as we do with conventional oil, not excavating, as they have done historically but drilling or in situ, which has the same impact on greenhouse emissions as conventional drilling. So 80 percent of the new development is in situ, with the same impact as conventional drilling.

That is the real solution. The real solution is using better technology to not only produce more energy but with better environmental stewardship. That is the real solution, and it means jobs and energy independence for North America.

Finally, on the issue of reexporting the oil, the issue has been brought up that, OK, if we bring the oil in from Canada, it will just get exported to some other country and not be utilized in the United States. But 99 percent of the crude in the United States is refined here; 97 percent of the gasoline refined in the United States is used in the United States; 90 percent of the transportation fuel refined in the United States is used in the United States. We need this oil. We need the refined product.

The reality is, for the small amount exported—think about that. For that, we get jobs, and we get dollars for our economy. Think about it like manufacturing for just a minute. Refining is a process. We take crude oil, refine it, and we have a finished product, a refined product. Similar to manufacturing, we take inputs and manufacture and we have a finished good. Would anybody, for a minute, argue that we don't want to manufacture products in the United States and send them overseas? Of course we do because we get jobs and wealth from that, don't we? In other words, we want to manufacture and process goods in the United States, and when we export them, we get value, we get jobs, and we get a growing economy.

What is going on with this argument? If we think about this argument in the simplest form—for those who say we don't want to build the pipeline because some product might get exported, stop and think for a minute. If we don't build the pipeline, all the oil goes to China; none of it comes here. So we are worried that some might get exported? That makes no sense. None.

I will wrap up. The reality is this: Whether we measure it by jobs or whether we measure it by energy security for this Nation—national security with what is going on in the Middle East—or whether we measure it from an environmental stewardship standpoint, it absolutely makes sense to develop this infrastructure. This is an important step in the right direction toward North American energy security. There is a lot more we need to do, but the reality is we can get there with this kind of private investment by creating the right environment for that. With the infrastructure and steps we need to take, we can get to energy security. It is time for Congress to step forward and act.

This is vitally important infrastructure for our country. This is a vitally important step in terms of national security for the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. I thank the Chair.

(The remarks of Mr. KYL pertaining to the introduction of S. 2109 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE SUGAR ACT

Mrs. SHAHEEN. Mr. President, I know this comes as no surprise to you, but today is Valentine's Day. Today millions of Americans are buying flowers and candy for their loved ones to celebrate Valentine's Day. This is an important day for American businesses, especially candy manufacturers. Consumers will purchase over 36 million heart-shaped boxes of chocolates for Valentine's Day.

Unfortunately, the price American candy manufacturers must pay for this sugar leaves a very bitter taste in their mouths. Why, you ask. Well, because these companies face artificially high prices for sugar, about twice the world average. That is because there is an outdated and unnecessary government program that keeps sugar prices significantly higher than they should be.

It is programs such as these sugar subsidies that reflect people's frustration with what is going on here in Washington because the sugar program, like too many other subsidies, protects special interests at the expense of regular businesses and consumers. That is why I joined with Senator MARK KIRK on Valentine's Day last year to encourage our colleagues to join us in supporting our bipartisan SUGAR Act.

The SUGAR Act would phase out the U.S. sugar program, which costs businesses and consumers about $4 billion a year. This is a big concern for us in New Hampshire as we are the American home of Lindt chocolate as well as a number of other smaller candy companies that use a lot of sugar. I know it is a concern for the President, who has Hershey's chocolate in his home State of Pennsylvania, and it is a big concern for Illinois, where Senator KIRK is from, because they have so many candy companies.

This legislation isn't about Democrats or Republicans. This legislation is about ending a bad deal for businesses and consumers. Senator KIRK and I sponsored this legislation because we need to end the sweetheart deal for the sugar industry. There is simply no reason to continue a program that makes candy makers, bakers, and other food manufacturers in our States pay double the world average price for sugar.

One of the other fallouts from these high sugar prices is that it costs jobs. For every one job we save in the sugar industry because of these subsidies, we are losing three manufacturing jobs.

Today, as we celebrate Valentine's Day, my thoughts are with Senator KIRK, who continues to recover from a serious illness. While Senator KIRK couldn't be with us this Valentine's Day, I do wish him well, and I look forward to his speedy return to the Senate. I know he is focused on getting better so that he will be able to get back here to work for his constituents from Illinois.

It has been my pleasure to work with Senator KIRK on this bipartisan legislation. I look forward to our continued work in the future on the SUGAR Act and on other matters that help our constituents in New Hampshire and Illinois.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MERKLEY. Mr. President, I ask to speak as in morning business for up to 10 minutes.

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

TRIBUTE TO CLAIRE GRIFFIN

Mr. MERKLEY. Mr. President, I rise today to recognize the dedicated service of one of my team members, Claire Griffin. Claire retired this January after a long and eventful career. She stuck with me through thick and thin, from when I was a newly elected State representative to the speakership of the Oregon House, to my service here in the Senate.

I first met Claire in 1998 at a candidate training event when I was running for the Oregon House. Claire came as the campaign manager for another candidate who was running in a tough race for an open seat. Claire and her candidate kept making key points, responding to all the questions being

asked about how one would run their campaign. I just kept thinking: I am in so much trouble. I wish I had it together—like the two of them.

They were enormously outspent in their race and did not win but finished respectably. It was just after the election that the candidate called me and encouraged me to hire Claire for my team, so I did. Thus began a wonderful 13-year partnership.

One of the first things I got to know about Claire was that, while she had moved to Oregon, she was steeped in California politics. Her face would light up with stories from her California days. Jesse Unruh, former California assemblyman, treasurer, and speaker figured prominently in these stories. The underlying theme of these stories was, if I had just a fraction of Speaker Unruh's political smarts, we could get a lot more done.

Fortunately, Claire did what she could to help provide those political smarts for me. During these years I was working full time for the World Affairs Council of Oregon, in addition to serving as a legislator in the citizen legislator system in Oregon. This greatly increased Claire's workload and, on pretty much a daily basis, it increased her blood pressure. I don't know how I would have gotten through those years without her extraordinary diligence.

I kept hearing from constituents how promptly Claire responded when they called my legislative office. In fact, I think a good share of the folks in my Oregon House district thought Claire was the State representative and I was assisting her.

Then, in 2003, our collective experience took a big turn. The good news for Claire was that I resigned from my day job as director of the World Affairs Council of Oregon, and I could finally devote myself fully to my responsibilities as a State legislator. The bad news for her blood pressure was that I also decided to make a long-shot bid to be House Democratic leader.

Claire always said she was sure I would win. I, on the other hand, was equally sure I would not win. But as so often has proved the case over time, Claire was right and I was wrong.

When the first day of voting arrived, it became clear after the first ballot that the race was going to be a close three-way contest, and in the next two rounds of voting one of us won and the other two tied and nobody was out of the race, so the voting continued. I finally won on the fifth ballot, bringing a new challenge for Claire, developing a strong working relationship with the entire House Democratic leadership.

Over the next 3 years, Claire had to hear me obsess over the challenge of recruiting candidates in 60 districts, raising funds, developing a policy agenda, and overcoming the sometimes dramatic ups and downs of a State legislature. But together we soldiered on.

Starting in the 2005 session, Claire took on a new duty, the essential task of training and mentoring the Democratic legislative assistants. Just as she had impressed me in that first fortuitous meeting in 1998, she impressed her new trainees. Many of the LAs would stop me in the halls of the capitol in Salem, OR, and give thanks for her down-to-earth training and support.

In 2007, our world changed again when I became speaker of the house. As always, Claire was the rock of our operation, even as I assumed my new duties and then, shortly after the 2007 session, took on the long-shot race of running for the U.S. Senate.

When I was elected to the Senate in 2008, Claire applied her enormous skills to lead my casework team. She and her team have done an amazing job. If you would like to see proof, just visit her office in Portland. The wall is covered in multitudes of thank-you notes.

Recently, I received this letter from a constituent:

> Senator, you hardly need one of your constituents to tell you how great your staff operates but I must try. I recently had a problem with government bureaucracy and I was beyond frustration. Then, 2 years ago, I contacted your office and was put in contact with Claire Griffin. I may have found my government to be unresponsive before this, but from that day forward I had been amazed. . . . My issue did not even affect very many people, but Claire did not let those facts guide her efforts. . . .
>
> From the very beginning, she made me feel that my problem was worthy of her total effort. . . . In the end, Claire brought the ''mountain to me'' and a large part of my problem was resolved. . . . The frustration that I experienced for so many years with an unresponsive government has been lifted through [her] actions.

Like so many other letters through the years, it closed by thanking Claire.

For the past 13 years I have always appreciated Claire's dedication as a staff member, but I have been equally blessed to know her as a person. If anyone should doubt, I can testify that Claire has been the funniest person in Oregon politics. She wields her wit like a sword, and sometimes it stings. But you can't help but smile even when her comments make you smart.

She made it, in part, her job to make sure the various offices did not go to my head, and she was very good at this. When she trained legislative assistants in Salem, she made sure they were trained in how to keep their bosses from taking their offices too much to their headbands.

Claire has been a full member of my and Mary's extended family. She joined the team when my son Jonathan was 2 years old and my daughter Brynn was a newborn. She has stepped in to cut down the mountains and fill in the valleys, all along this 13-year journey. She gave my son Jonathan the best gift he ever had, a box of eight classic adventure novels rewritten for a little tyke to read. He enjoyed them immensely. She rescued me when I forgot my I.D. card and could not get through airport security. As you can imagine, over the years she has been there through one crisis, one challenge after another.

Claire, I couldn't have done it without you. My family could not have done it without you. Thank you for joining our team and our family and working so hard to make this journey a success.

Claire, you have carried on the fight to build a better world, and you have carried on that fight with heart and humor. Thank you. We will miss you. Please enjoy your well-earned retirement and, of course, keep in touch. You will always be a valued member of Team MERKLEY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

ADOPTION

Ms. LANDRIEU. Mr. President, that was a beautiful tribute by my colleague.

I come to the floor to just speak for a few minutes while we are trying to figure a way forward on a very important piece of legislation having to do with the transportation infrastructure for our Nation. I know it is a bill that Senator BOXER, as the chair of the EPW Committee, has worked on tirelessly for years along with Senator INHOFE. It is a very important piece of legislation authorizing billions of dollars of programs and projects. I really want to say that I appreciate her leadership so much.

I was so hoping the Republican leadership and the Democratic leadership could come together so sometime in the next few days we could have some votes relative to this important legislation and move forward because I know for the people I represent in Louisiana, this is one of our most important infrastructure bills.

I am sure, Mr. President, you have many people in Pennsylvania talking with you about the importance of getting these road projects authorized. At a time when people are looking for jobs and looking for work, this would be one of the bills we would like to pass. Let's all be patient but not too patient, to get this through because it is very important.

While we are waiting for that, I thought I would come to the floor on this very special day, Valentines Day, to talk about a very special kind of love that happens between children and parents. Mr. President, you know because you have been a wonderful leader, along with many others here on the Senate floor, for the idea that every child deserves a protective family and that children do not do a very good job of raising themselves. Governments do not do a good job of raising children. Children need to be raised in a family. Children should be with their siblings whenever possible, raised in the protective arms and under the watchful eye of parents—at least one responsible adult.

Mr. President, you know how heartbreaking it is on every day, but particularly a day like today when we are sending cards to our loved ones. I know the first call I made this morning was

to my husband and to my children to wish them a Happy Valentines—people are doing that all over the world today. In fact, I was given some very interesting information.

I had no idea that 180 million Valentine cards were purchased today—that is pretty amazing—200 million roses were sold today, and 36 million heart-shaped boxes of chocolate will be eaten today. I have not gotten my box of chocolate; I don't know if you have. I am still looking for mine.

But the sad thing is, there are millions of children who are not going to receive a phone call today. They are not going to receive a card. They will not receive a box of chocolates, and they may not even receive a pat on the head or a hug or a word of encouragement because they are orphans.

These are children who live all over the world and in our own country, sad to say. We have about 100,000 children in our foster care system whose parents have had their biological rights terminated because of either gross neglect or abuse, children who are waiting for another family to step up. The Presiding Officer has been very active and successful in passing the adoption tax credit provision that provides some financial assistance to families who are stepping forward to adopt children in need in our own country and around the world.

There are 100,000 children waiting for that Valentines card or that box of chocolate or a hug or just to belong to a family. Around the world, we don't even know what those numbers are. They are overwhelming. We know that in countries that have a high incidence of AIDS, for instance, that causes the death of a parent, particularly a mom—a dad as well—really that leaves sometimes families of eight children, nine children, six children abandoned. Even if a grandmother steps in to try to do that work and she dies within a few years, what happens to these children?

Well, the Presiding Officer, along with many of my colleagues here, I am proud to say, has introduced a resolution today. I wish to thank my cosponsors, particularly Senator LUGAR, who has been a terrific advocate as the former chair and now ranking member of the Foreign Relations Committee; Senator KLOBUCHAR; Senator GRASSLEY, who is my cochair on the foster care caucus; Senator GILLIBRAND; Senator INHOFE, who has probably traveled to more countries—more times to Africa than any Senator in the history of our country, and he should be commended for the work he is doing on that continent; and Senator BLUMENTHAL and Senator BOOZMAN, who have been outstanding advocates in their own right for different aspects of family policy. We are proud to submit a sense-of-the-Senate resolution. Of course, this does not have the force of law, but it most certainly expresses our views as a body and does have impact on policymakers around the world, nonprofits, the faith-based community, the private sector, and, most importantly, governments around the world.

People would say: What does the Senate think about this, Senator? You say this, but what do the other Senators think about the fact of adoption or international adoption? Do they agree with you that children belong in a family? Because it is sad to say that there are some places in this world that think children can grow up fine in an institution or they can grow up fine without parents. Now, we don't think that in the United States. Not only do our hearts and our minds and our faith tell us otherwise, but the science also says that children who grow up in a family of loving nurturing, particularly in the early years—we know this is true raising our own children; I know this as a mother—every year but particularly those early years get the confidence and the affirmation of kindness and gentleness from a parent.

I have been learning more about this lately, not only how important it is, but what I have been learning about is what the science says when children don't get that. The term that the American Academy of Pediatrics just released calls it toxic stress—toxic stress on the brain of an infant. They underline how even one caring and supportive relationship with an adult in those early years is so important that it can offset the damaging neurological and physiological affects of stress on children. I know adults have stress because I have it myself. What I didn't realize was that infants—the tiniest little infants—can have toxic stress that affects the development of their brain and their ability to function.

I hope our country will realize how important it is for us to do a better job of connecting orphans and abandoned infants and neglected children of all ages—not to put them in an institution, not to turn them out on the street, not to allow them to be trafficked by drug cartels or sex traders or people who will exploit them for other purposes, but to put them in the arms of a loving family, connecting them to a loving and responsible adult.

Of course, we try to keep children in their own biological families when possible, but if war or disease or death separates them, why don't we think that it is the most important thing in the world—because it is—to connect those children to a loving family?

That is what this resolution says. It is just as simple as we can say it on Valentines Day: For kids who will never get a kiss or a box of chocolates or who haven't yet, there is still hope that we can give them a protective family, that we can protect these sibling groups. If government would work just a little bit smarter, not even necessarily throwing that much more money at it, although I find we can always use a little extra, but just working smarter and better and working with the churches, working with faith-based communities around the world, we can connect children to families. That is all this resolution says. It expresses the sense of the Senate. I hope we can pass this by unanimous consent.

So when I travel around the world, as I do often, when I am in Guatemala or when I am in Uganda or when I have been in places such as Russia and in China, and the Senators there or the members or the people, the leaders, ask me, ''What do the other Senators say? Do they believe this as well?'' I can say, ''Absolutely.'' I am going to carry this resolution with me, and I will show it to them because all this resolution says is that every child in the world deserves a protective and loving family.

So I don't know if Valentines Day will be perfect for many children. I hope my children have had a wonderful day today. But we can work a little harder to try to do our best to make sure they have at least one caring, nurturing, loving adult in their life. It would make a world of difference in our school systems, in our health care systems, in our criminal justice system. It will make our communities stronger. It will make our States and our Nation stronger and ultimately the world. I know the Presiding Officer believes that.

I thank the leadership for allowing me to come to the floor and speak on this today, and hopefully all of my colleagues will vote favorably for this Senate resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent to speak as in morning business.

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

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. WICKER. Mr. President, I expect that a resolution authorizing National Crime Victims' Rights Week will be adopted unanimously by the Senate in a few moments. I wanted to come to the floor today and reaffirm my support for the rights and needs of survivors of crime. I also wanted to express my gratitude to the dedicated advocates of crime victims as well as the health and law enforcement professionals who work to fight crime and help its victims recover.

Keeping our neighborhoods and communities safe is and will always be a top priority of this country. But close to 20 million Americans are victims of crime each year, and these individuals and their families are confronted with unique and difficult challenges. Acts of crime inflict lasting physical, emotional, and psychological wounds that take time and care to heal. It is important that the necessary resources and services be available to help rebuild the lives of crime survivors.

National Crime Victims' Rights Week, which our Nation has commemorated annually for the last 30 years, renews our commitment to those impacted by crime and the ways we can help them move forward. It is a time for remembrance and reflection, a moment to pause and honor victims, advocates, professionals, and volunteers.

This year's theme is ambitious but critical: ''Extending the Vision: Reaching Every Victim.'' This calls on each of us to make sure that all victims get the help they need. Too many victims are still unable to receive the protections and services they deserve. Our efforts toward better safety and security now are integral to ensuring the safety and security of future generations.

On April 8, 1981, President Ronald Reagan proclaimed the first Crime Victims' Rights Week. As a former prosecutor myself, I remember when the concept of victims' rights was practically unknown as few mechanisms for victim assistance and support even existed. With this first proclamation, President Reagan fulfilled an important and long-awaited call to put the concerns and rights of crime victims on the national agenda.

As President Reagan said in the first proclamation in 1981:

> We need a renewed emphasis on and an enhanced sensitivity to the rights of victims. These rights should be a central concern of those who participate in the criminal justice system, and it is time all of us paid greater heed to the plight of victims.

This pioneering vision of President Reagan is one we continue to embrace today.

We are blessed to live in a nation of Good Samaritans, and we have achieved impressive strides toward helping crime victims get the services they need. But the task of preventing crime and healing its harmful effects remains a constant battle. Technology, globalization, and new types of criminal behavior have made the challenge before us more complex than ever before.

Our fight against crime in the 21st century will take strategic partnerships at the local, State, and national levels. It will rely on supportive, vigilant, and compassionate communities and individuals. Serving these individuals is more than an act of kindness; it helps make all of our homes, neighborhoods, and communities safer and stronger.

The resolution I have submitted with Senators LEAHY, SCHUMER, and GRASSLEY and which I expect to be passed today supports the mission and goals of this year's National Crime Victims' Rights Week. I urge my colleagues to continue supporting those who have suffered crimes' effects and a renewed commitment toward reducing crime during this week, which this year will be observed the week of April 22.

In closing, we have come a long way since the days when crime victims had few rights and services. Yet it is also true that too many crimes are still committed and too few are reported and that many victims struggle to overcome the lasting effects of crime. I am pleased that National Crime Victims' Rights Week offers us the opportunity each year to highlight the needs of crime survivors, recognize those who help them, and engage the public in the fight for victims' rights.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

RECOGNIZING K-I LUMBER & BUILDING MATERIALS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a thriving and successful business in Kentucky, the K-I Lumber & Building Materials company, headquartered in Louisville. K-I Lumber was founded in Louisville in 1932 by Mr. Walter M. Freeman, Sr., who was working as a lumber salesman for another company in the 1920s. As the Great Depression hit, the company he worked for began to decline, and this enterprising American decided that was the time to strike out on his own.

Mr. Freeman opened K-I Lumber's first headquarters in the Starks Building in downtown Louisville, and began selling carloads and truckloads of lumber to customers in Kentucky, Indiana, and surrounding States. By the early 1950s, he had purchased property for a distribution center and lumberyard. Walt's son, Walt Freeman, Jr., joined the business and began to expand it into Kentucky and Indiana's largest lumber company.

Walt, Jr. grew K-I Lumber until it had nine locations in three States and employed approximately 500 people, turning it into one of the largest independent lumber and building materials companies in the industry and earning it the Home Builders Association of Louisville Associate of the Year award until his passing in 2011.

Now led by the company's chairman, Sharon Freeman, and its president, Bob DeFarraro, K-I Lumber continues to serve as an example of the success Kentucky businesses can achieve with hard work, good leadership, and a passionate spirit. K-I Lumber recently celebrated its current employees for their combined total of 2,074 years of service to the company and to its customers in Kentucky and the region.

Speaking of the company's custom millwork division, Walt Freeman, Jr. was fond of saying ''If you can dream it, we can craft it.'' Whether it is custom millwork for one very special customer, or lumber needs for the largest distributors, K-I Lumber & Building Materials has survived and thrived over the past 80 years by crafting the desires of its customers, employees, and managers into reality. I know my colleagues join me in wishing many more years of success to this proud and locally owned Kentucky business.

SURFACE TRANSPORTATION ACT

Mr. ISAKSON. Mr. President, amendment No. 1574 modifying the Congressional authorization for the Savannah Harbor Expansion Project, SHEP, is clearly supported in the Constitution. Article I of the Constitution grants Congress the power to authorize and appropriate funds and Article I, Section 8, specifically grants Congress the power ''To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.'' The power of Congress to fund the Savannah Harbor Expansion Project is unquestionably granted by the Commerce Clause of the Constitution. The Supreme Court has also expressly stated that ''Commerce with foreign nations means commerce between citizens of the United States and citizens or subjects of foreign governments. It means trade, and it means intercourse. It means commercial intercourse between nations, and parts of nations, in all its branches. It includes navigation, as the principal means by which foreign intercourse is affected.''

The power to regulate, authorize, and appropriate funding for the ports comes from the authority to regulate navigation, arising from the Commerce Clause. The Savannah Harbor Expansion Project, and by extension all harbor deepening projects, involves the general welfare of the United States. The Port of Savannah is a turnstile for cargo that impacts the United States as a whole. Congress is permitted to contribute to the project because it would improve the ability of the United States to receive larger ships entering through the Panama Canal. The Project will make national trade more competitive, while greatly impacting the State and the region. Trades, and its relations (ports), are fundamental extensions of the congressional power to regulate commerce. The Savannah Harbor Expansion Project is a permissible exercise of Congress's authority to regulate commerce and contributes to the general welfare of the United States. The constitutional ability of Congress to provide funding for the program is unquestionable.

The Port of Savannah is the second largest container port on the East

Coast and the fourth largest in the country. The Georgia Department of Economic Development recently announced that Georgia exported more than $28.7 billion in goods last year, a 20.8 percent increase from 2009 and our imports experienced a 27 percent increase last year compared to 2009. That's well over the overall national increase of 22.6 percent. Exports accounted for more than 54 percent of the 2.8 million containers Georgia Ports moved last year. Savannah handles more than 17 percent of all container cargo on the East Coast and is an essential element for the creation of new jobs, and the preservation of existing jobs, in America. The Panama Canal Authority has undertaken a 7 year $5.25 billion project to widen the canal to double its capacity by allowing larger ships to transit it. After this expansion, the Panama Canal will be able to handle vessels of cargo capacity up to 13,000 twenty-foot equivalent units or TEUs, which is the measure of cargo capacity often used to describe the capacity of a container ship. As a result of the canal's expansion and widening, shipping vessels are modernizing their fleet and purchasing a much larger class of vessel. These ''Post Panamax'' and ''New Panamax'' fleets will be comprised of vessels much larger than anything on the ocean today.

In order to accommodate these vessels, improvements must be made to our Nation's existing infrastructure. The Georgia Ports Authority and the State of Georgia are undertaking a project to deepen the port's channel from 42 feet to 48 feet in order to accommodate this larger class of vessels. Doing so will protect existing jobs at the port while also creating new jobs as these larger vessels call in the Port of Savannah. It is critically important that we expand not only Savannah Harbor but all harbors to ensure they continue to act as gateways for business to not only Georgia and the Southeast United States, but the entire Nation.

ADDITIONAL STATEMENTS

RECOGNIZING WILBUR'S OF MAINE CHOCOLATE CONFECTIONS

● Ms. SNOWE. Mr. President, today millions of Americans across the country will be reminded of the wonders of love and romance. Some may receive a traditional Valentines Day card, others a perfect bouquet of fragrant flowers, and several lucky individuals will receive delectable chocolates, perhaps enclosed in a magnificent red heart shaped box. While today is Valentines Day, the entire month of February is National Chocolate Lover's month, and with these two festive occasions in mind, I rise to commend Wilbur's of Maine Chocolate Confections located in Freeport, ME.

Tom Wilbur and Catherine Carty-Wilbur opened this small chocolatier in 1983, with the goal of providing the highest quality chocolate products to their customers. One of the highlights of Wilbur's is their scrumptious Needham candy, which is a unique delicacy of Maine offering a luxurious blend of chocolate and potato. Wilbur's uses only Maine-farmed potatoes which are among the best in the world in making this delightful treat.

Over the years, the store's charm and rich chocolate selection warranted an expansion and Tom and Catherine sought to move from their original Freeport location to a larger space where they could produce more candy. While garnering funds for expansion, the Wilburs consulted with the Maine Small Business and Technology Development Center regarding a seed grant from the Maine Technology Institute, which they were successfully awarded in 2008. This grant allowed Wilbur's to finish research and development on two pieces of equipment, which were integral in enhancing their company's candy production. Today, this small business has three retail store locations, two in Freeport and one in Brunswick. Inquisitive customers can even tour one of their Freeport locations which doubles as Wilbur's factory!

Wilbur's also understands the importance of giving back to their local community. Recipients of their generous donations include the Central Maine Medical Center as well as Day One in south Portland—a non-profit whose mission is to reduce youth substance abuse. Additionally, to spread the joy of chocolate making, this small business frequently holds events to instruct individuals in this unique craft, including a summer program to turn children into junior chocolatiers. Earlier this month, Wilbur's even held a fun ''love bug'' event at their Freeport store where individuals could create a special Valentines treat for their loved ones, and demonstrated Needham-making for the Freeport Historical Society.

In light of their delicious product and valued contributions to the State, it is no surprise that this small company has received several accolades. In both 2010 and 2011, they were honored with the Readers' Choice Award for Candy Shops by Downeast Maine Magazine. Furthermore, earlier this year Tom and Catherine received the Gowell Award, which is the highest honor bestowed by the New England Retail Confectioner Association and is only given out once every three years—a truly astounding achievement indeed.

Throughout the month of February, but especially today, we celebrate our love of all things chocolate. Wilbur's of Maine Chocolate Confections is a shining example of why everyone's heart truly lights up at the thought of consuming delectable chocolate goods. This company not only produces a superior product, but continually provides valuable contributions as active and engaged members of the community. I am proud to extend my congratulations to everyone at Wilbur's of Maine Chocolate Confections for their dedication to excellence, and offer my best wishes for their continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, 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 Committee on Foreign Relations.

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

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2105. A bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4960. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indoxacarb; Pesticide Tolerances'' (FRL No. 9336–7) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4961. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that occurred within the Salaries and Expenses account for fiscal years 2010 and 2011; to the Committee on Appropriations.

EC–4962. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report relative to violations of the Antideficiency Act that occurred within the Salaries and Expenses account in fiscal year 2010 and in the over two decades prior; to the Committee on Appropriations.

EC–4963. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12–002, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–4964. A communication from the Secretary of the Commission, Division of Clearing and Risk, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Protection of Cleared Swaps Customer Contracts and Collateral; Conforming Amendments to the

Commodity Broker Bankruptcy Provisions'' (RIN3038–AC99) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4965. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity'' (RIN2501–AD49) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4966. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the 2010 Annual Report of the Securities Investor Protection Corporation (SIPC); to the Committee on Banking, Housing, and Urban Affairs.

EC–4967. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detailed boundary for the Sturgeon Wild and Scenic River in Michigan to be added to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC–4968. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Texas Regulatory Program'' ((SATS Nos. TX–061/062/063–FOR)(Docket No. OSM–2008–0018)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Energy and Natural Resources.

EC–4969. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Preconstruction Permitting Requirements for Electric Generation Stations in Maryland'' (FRL No. 9628–7) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Environment and Public Works.

EC–4970. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, California Air Resources Board—Consumer Products'' (FRL No. 9609–7) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Environment and Public Works.

EC–4971. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9501–6) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Environment and Public Works.

EC–4972. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modification of Significant New Uses of Tris Carbamoyl Triazine'' (FRL No. 9330–6) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Environment and Public Works.

EC–4973. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Disapproval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana—Air Quality, Subchapter 7, Exclusion for De Minimis Changes'' (FRL No. 9495–9) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Environment and Public Works.

EC–4974. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Florida; Control of Large Municipal Waste Combustor (LMWC) Emissions From Existing Facilities; Correction'' (FRL No. 9628–6) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Environment and Public Works.

EC–4975. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Quality Designations for the 2010 Primary Nitrogen Dioxide (NO2) National Ambient Air Quality Standards'' (FRL No. 9624–3) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Environment and Public Works.

EC–4976. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Alabama, Georgia, and Tennessee: Chattanooga; Particulate Matter 2002 Base Year Emissions Inventory'' (FRL No. 9628–2) received in the Office of the President of the Senate on February 7, 2012; to the Committee on Environment and Public Works.

EC–4977. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Engagement in Additional Work Activities and Expenditures for Other Benefits and Services, April–June 2011: A Temporary Assistance for Needy Families (TANF) Report to Congress''; to the Committee on Finance.

EC–4978. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Exceptions or Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile'' (Docket No. FDA–2006–N–0364) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4979. A communication from the Program Manager, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Establishment of User Fees for Filovirus Testing of Nonhuman Primate Liver Samples'' (RIN0920–AA47) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4980. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Hooker Electrochemical Corporation in Niagara Falls, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4981. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Linde Ceramics Plant in Tonawanda, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4982. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Savannah River Site in Aiken, South Carolina, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4983. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Report for fiscal year 2011 for the Prescription Drug User Fee Act (PDUFA) ; to the Committee on Health, Education, Labor, and Pensions.

EC–4984. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''General Services Administration Acquisition Regulation; Reinstatement of Coverage Pertaining to Final Payment Under Construction and Building Service Contracts'' (RIN3090–AJ13) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC–4985. A communication from the Comptroller, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Fees'' (25 CFR Part 514) received during adjournment of the Senate in the Office of the President of the Senate on February 10, 2012; to the Committee on Indian Affairs.

EC–4986. A communication from the Chief of Staff, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled ''Review and Approval of Existing Ordinances or Resolutions; Repeal'' (RIN3141–AA45) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Indian Affairs.

EC–4987. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Tribal-State Road Maintenance Agreements; to the Committee on Indian Affairs.

EC–4988. A communication from the Department of State, transmitting, pursuant to law, a report relative to a foreign terrorist organization (OSS Control No. 2012–0192); to the Committee on the Judiciary.

EC–4989. A communication from the Department of State, transmitting, pursuant to law, a report relative to a foreign terrorist organization (OSS Control No. 2012–0141); to the Committee on the Judiciary.

EC–4990. A communication from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office on National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Director of National Drug Control Policy, received in the Office of the President of the Senate on February 7, 2012; to the Committee on the Judiciary.

EC–4991. A communication from the Clerk of Court, United States Court of Federal Claims, transmitting, pursuant to law, the Court's annual report for the year ended September 30, 2011; to the Committee on the Judiciary.

EC–4992. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled ''International Space Station: Approaches for Ensuring Utilization through 2020 Are Reasonable but Should Be Revisited as NASA Gains More Knowledge of On-Orbit Performance''; to the Committee on Commerce, Science, and Transportation.

EC–4993. A communication from the Attorney-Advisor for the Department of Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Retrospective Review under E.O 13563: Shipping—Deletion of Obsolete Regulations'' (RIN2133–AB80) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4994. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FAA-Approved Portable Oxygen Concentrators; Technical Amendment'' ((RIN2120–AA66)(Docket No. FAA–2011–1343)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4995. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways V–320 and V–440; Alaska'' ((RIN2120–AA66)(Docket No. FAA–2011–1014)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4996. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Time of Designation for Restricted Areas R–5314A, B, C, D, E, F, H, and J; Dare County, NC'' ((RIN2120–AA66)(Docket No. FAA–2011–1017)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4997. A communication from the Acting Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals: U.S. Navy Training in 12 Range Complexes and U.S. Air Force Space Vehicle and Test Flight Activities in California'' (RIN0648–BB53) received during adjournment of the Senate in the Office of the President of the Senate on February 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4998. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Federal Airways; Alaska'' ((RIN2120–AA66)(Docket No. FAA–2011–0010)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–4999. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace; Frederick, MD'' ((RIN2120–AA66)(Docket No. FAA–2011–0455)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5000. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace and Amendment of Class E Airspace; Brooksville, FL'' ((RIN2120–AA66)(Docket No. FAA–2011–0578)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5001. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace and Amendment of Class E; Punta Gorda, FL'' ((RIN2120–AA66)(Docket No. FAA–2011–0347)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5002. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; Baltimore, MD'' ((RIN2120–AA66)(Docket No. FAA–2010–1328)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5003. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation Models 1900, 1900C, and 1900D Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2012–0014)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5004. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Aircraft Equipped with Rotax Aircraft Engines 912 A Series Engine'' ((RIN2120–AA64)(Docket No. FAA–2012–0001)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5005. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1341)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5006. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 767 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1221)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5007. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation Airplanes Equipped with a Certain Supplemental Type Certificate (SIC)'' ((RIN2120–AA64)(Docket No. FAA–2011–1420)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5008. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Turboshaft Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0904)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5009. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Thielert Aircraft Engines GmbH Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0948)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5010. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; International Aero Engines Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0494)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5011. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Continental Motors, Inc. (CMI) Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1341)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5012. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company (GE) GE90–110B1 and GE90–115B Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0278)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5013. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0919)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5014. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0996)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5015. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Enstrom Helicopter Corporation Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–1382)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5016. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (6); Amdt. No. 3463'' (RIN2120–AA65) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5017. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (35); Amdt. No. 3462'' (RIN2120–AA65)

received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5018. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class C Airspace; Palm Beach International Airport, FL'' ((RIN2120–AA66) (Docket No. FAA–2011–0527)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5019. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Olathe, KS'' ((RIN2120–AA66) (Docket No. FAA–2011–0748)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5020. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Show Low, AZ'' ((RIN2120–AA66) (Docket No. FAA–2011–1023)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5021. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Kwigillingok, AK'' ((RIN2120–AA66) (Docket No. FAA–2011–0881)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5022. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Kipnuk, AK'' ((RIN2120–AA66) (Docket No. FM–2011–0866)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5023. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Oneonta, AL'' ((RIN2120–AA66) (Docket No. FAA–2011–0744)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5024. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Corp. (PW) JT9D–7R4H1 Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0731)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5025. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Apical Industries, Inc., (Apical) Emergency Float Kits'' ((RIN2120–AA64) (Docket No. FAA–2010–1190)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5026. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1040)) received in the Office of the President of the Senate on February 9, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 342. A resolution honoring the life and legacy of Laura Pollan.

S. Res. 372. A resolution recognizing the importance of the United States-Egypt relationship, and urging the Government of Egypt to protect civil liberties and cease intimidation and prosecution of civil society workers and democracy activists, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Earl W. Gast, of California, to be an Assistant Administrator of the United States Agency for International Development.

*Anne Claire Richard, of New York, to be an Assistant Secretary of State (Population, Refugees, and Migration).

*Tara D. Sonenshine, of Maryland, to be Under Secretary of State for Public Diplomacy.

*Robert E. Whitehead, of Florida, 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 Togolese Republic.

Nominee: Robert Earl Whitehead.

Post: Lome, Togo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: Wesley Richard Whitehead, none; Mary Ellen Whitehead—deceased.

4. Parents: Robert William Whitehead—none; Mary Ellen Whitehead—deceased.

5. Grandparents: Lloyd Alvin Whitehead—deceased; Alma Whitehead—deceased; Earl Hoover—deceased; Barbara Hattie Hoover—deceased.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: Barbara Lee Georgescu, none (divorced); Richard and Ruth Saukas, none; Nina Marie Howerton, none (divorced); Peter and Pamela Miller: Pete Miller contributed $200 to Barack Obama 2008 campaign by Internet but did not keep any corroborating record. He thinks it was in August, 2008.

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*Larry Leon Palmer, of Georgia, 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 Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

NOMINEE: Larry Palmer.

POST: Barrados.

(the following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, *Amount*, *Date*, and *Donee*:

1. Self: none.

2. Spouse: Lucille Palmer: none.

3. Children and Spouses: Vincent Palmer, none; Heydi Palmer, none.

4. Parents: Rev. R.V. Palmer, Sr—deceased; Mrs. Gladys Palmer—deceased.

5. Grandparents: Augustus Young—deceased; Litha Young—deceased.

6. Brothers and Spouses: R. V. Palmer, II, none; Theresa Palmer, none; Charles Palmer, none; Mollie Palmer, none.

7. Sisters and Spouses: Miriam Golphin, none; Lewis Golphin—deceased; Seygbo Palmer (Single), none.

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*Jonathan Don Farrar, of California, 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 Panama.

Nominee: Jonathan Don Farrar.

Post: Panama.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: Melissa Lien Farrar: $30.00, 11/06/08, ''No on 8''; $5.00, 06/28/11, ''Obama for America.'' Jason Asher, none; Jonathan Don Farrar III, none; Leigh Castaldo, none; Nathaniel Lysle Farrar, none.

4. Parents: Joseph Don Farrar—deceased; Josephine McIntire Farrar—deceased.

Grandparents: Elizabeth McIntire—deceased; William McIntire—deceased; Lysle Farrar—deceased; Lucille Farrar—deceased.

6. Brothers and Spouses: Joseph Frank Farrar, none; Dana Farrar: $50.00, 09/20/08, ''No on 8/Equality California''; $20.00, 09/15/09, ''Equality California''; $25.00, 05/18/10, ''Equality California''; $50.00, 09/21/08, ''Obama for America''; $35.00, 07/07/05, ''California Democratic Party.''

7. Sisters and Spouses: Melissa Ramierz: $50.00, 06/17/08, ''Obama for America''; $15.00, 06/28/08, ''Obama for America''; $25.00, 09/03/08, ''Obama for America''; $25.00, 10/08/08, ''Obama for America''; $50.00, 09/02/11, ''Emily's List''. Fernando Ramirez, none.

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*Phyllis Marie Powers, 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 Republic of Nicaragua.

Nominee: Phyllis Marie Powers.

Post: Nicaragua.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: none.
2. Spouse: none.
3. Children and Spouses: none.
4. Parents: deceased.
5. Grandparents: deceased.
6. Brothers and Spouses: none.
7. Sisters and Spouses: Pamela and Donald Curley: $200.00, August 2008, Brett Green Campaign for District Judge in Wilkesboro, NC. Patricia and Charles Miller, none.

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*Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Nominee: Nancy J. Powell.

Post: New Delhi, India.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: none.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Joseph William Powell—deceased; J. Maxine Powell—deceased.
5. Grandparents: Mr. & Mrs. Boyd Crandall—deceased; Mr. & Mrs. Omar Little—deceased.
6. Brothers and Spouses: William Craig Powell—deceased.
7. Sisters and Spouses: N/A.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning with James A. Bever and ending with John Mark Winfield, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2011. (minus 1 nominee: R. Douglass Arbuckle)

*Foreign Service nominations beginning with Jason P. Jeffreys and ending with Courtney J. Woods, which nominations were received by the Senate and appeared in the Congressional Record on November 8, 2011.

*Foreign Service nominations beginning with Ronald P. Verdonk and ending with Bruce J. Zanin, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2011.

*Nominations were reported with recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. CARDIN (for himself, Mrs. BOXER, and Mr. INHOFE):

S. 2104. A bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, and Mrs. FEINSTEIN):

S. 2105. A bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States; read the first time.

By Mr. BROWN of Ohio (for himself, Mr. BEGICH, Mr. SANDERS, and Mrs. GILLIBRAND):

S. 2106. A bill to establish a grant program for automated external defibrillators in elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE (for himself and Mr. DEMINT):

S. 2107. A bill to amend the extension of the temporary employee payroll tax holiday to give individuals the choice of whether to participate; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself, Mr. SANDERS, and Mr. UDALL of New Mexico):

S. 2108. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 2109. A bill to approve the settlement of water rights claims of the Navajo Nation, the Hopi Tribe, and the allottees of the Navajo Nation and Hopi Tribe in the State of Arizona, to authorize construction of municipal water projects relating to the water rights claims, to resolve litigation against the United States concerning Colorado River operations affecting the States of California, Arizona, and Nevada, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. INHOFE, Mrs. BOXER, and Mr. DURBIN):

S. Res. 372. A resolution recognizing the importance of the United States-Egypt relationship, and urging the Government of Egypt to protect civil liberties and cease intimidation and prosecution of civil society workers and democracy activists, and for other purposes; placed on the calendar.

By Mr. MCCAIN (for himself and Mr. KYL):

S. Res. 373. A resolution recognizing February 14, 2012, as the centennial of the State of Arizona; considered and agreed to.

By Mr. WICKER (for himself, Mr. LEAHY, Mr. SCHUMER, and Mr. GRASSLEY):

S. Res. 374. A resolution supporting the mission and goals of 2012 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States; considered and agreed to.

By Mr. BROWN of Ohio (for himself and Mr. PORTMAN):

S. Res. 375. A resolution celebrating the bicentennial of the City of Columbus, the capital city of the State of Ohio; considered and agreed to.

ADDITIONAL COSPONSORS

S. 339

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 1023

At the request of Mr. DURBIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Delaware (Mr. COONS) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 1023, a bill to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1249

At the request of Mr. UDALL of Colorado, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1249, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1467

At the request of Mr. BLUNT, the name of the Senator from Texas (Mrs.

HUTCHISON) was added as a cosponsor of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1674

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1674, a bill to improve teacher quality, and for other purposes.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1773

At the request of Mr. BROWN of Ohio, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1773, a bill to promote local and regional farm and food systems, and for other purposes.

S. 1796

At the request of Mr. ISAKSON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1796, a bill to make permanent the Internal Revenue Service Free File program.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Virginia (Mr. WEBB), the Senator from Nebraska (Mr. NELSON) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1989

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2051

At the request of Mr. REED, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2051, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans.

S. 2058

At the request of Ms. MURKOWSKI, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2058, a bill to close loopholes, increase transparency, and improve the effectiveness of sanctions on Iranian trade in petroleum products.

S. 2065

At the request of Mr. VITTER, his name was added as a cosponsor of S. 2065, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees and extending the pay freeze for Federal employees.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

AMENDMENT NO. 1521

At the request of Mr. WICKER, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of amendment No. 1521 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. 1534

At the request of Mr. VITTER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of amendment No. 1534 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. 1535

At the request of Mr. VITTER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of amendment No. 1535 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. 1545

At the request of Mr. BOOZMAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 1545 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. 1546

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Virginia (Mr. WARNER), the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 1546 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mrs. BOXER, and Mr. INHOFE):

S. 2104. A bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am introducing the Water Resources Research Amendments Act. First authorized in 1964, the Water Resources Research Act established 54 Water Resources Research Institutes across the country and set up a grant program for applied water supply research. The act was most recently reauthorized in 2006, in PL 109–471. The bill I introduce today would reauthorize the grant program for the next 5 years and would add a program focused on the research and development of green infrastructure.

The research funded through the Water Resources Research Act has had lasting impacts on our Nation's waters. In fact, some of the tools we use today for restoration of the Chesapeake Bay were a product of these research grants. WRRA Researchers across the Mid-Atlantic States have developed ways to keep the Chesapeake waters clean through urban stormwater treatment, improved roadway design, and eco-friendly poultry farming practices. Moreover, WRRA-funded projects develop innovative and cost-effective solutions for similar water resources issues across the country. For example, the technology used in West Virginia's innovative nutrient trading program utilizes technology developed by WRRA researchers. Undoubtedly, funding WRRA is an intelligent and necessary investment in the future of our water resources.

WRRA authorizes two types of annual grants. First, it supplies grants to each Water Resources Research Institute for research that fosters improvements in water supply reliability, explores new ways to address water problems, encourages dissemination of research to water managers and the public, and encourages the entry of new

scientists, engineers and technicians into the water resources field. Second, WRRA authorizes a national competitive grant program to address regional water issues. All WRRA grants must be matched 2 to 1 with non-federal funding.

In the last authorization period, the program was authorized at $12,000,000 per year, providing $6,000,000 to each type of grant. Authorization for these grants expired in fiscal year 2011. Today's bill would reauthorize both grant programs for an additional five years by providing $7,500,000 for institutional grants and $1,500,000 for national competitive grants. This change in authorization levels reflects our efforts to adjust for present fiscal limitations. The proposed authorization maximizes economic efficiency of the program without compromising its efficacy. The Water Resources Research Institutes across the Nation have 45 years of experience assisting states and federal agencies through research, education and outreach. While the Institutes are only required to match Federal funding with outside sources at a ratio of 2 to 1, they regularly exceed that proportion, often with ratios of more than 5 to 1. Moreover, Federal grants are critical for the institutes to be able to leverage funding from their home State. Consequently, by focusing funds on the Water Resources Research Institutes, we can be sure that we are supporting top-notch science while maximizing cost-effectiveness. Moreover, by funding this network of institutes we are investing in our future. The Water Resources Research Institutes are the country's single largest training program for water scientists, technicians, and engineers.

Today water-related issues pervade the nation. Whether it is floods, droughts, or water degradation, American economies and lives depend on our water resources. WRRA grants provide us with improved understanding of water-related issues and better technology to address them. Nearly half a century after the Water Resources Research grant program was first put in place, this program is just as relevant, just as critical, and deserves our support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2104

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Water Resources Research Amendments Act of 2012''.

SEC. 2. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) CONGRESSIONAL FINDINGS AND DECLARATIONS.—Section 102 of the Water Resources Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(2) in paragraph (8) (as so redesignated), by striking ''and'' at the end; and

(3) by inserting after paragraph (6) the following:

''(7) additional research is required into increasing the effectiveness and efficiency of new and existing treatment works through alternative approaches, including—

''(A) nonstructural alternatives;

''(B) decentralized approaches;

''(C) water use efficiency; and

''(D) actions to reduce energy consumption or extract energy from wastewater;''.

(b) CLARIFICATION OF RESEARCH ACTIVITIES.—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''water-related phenomena'' and inserting ''water resources''; and

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''.

(c) COMPLIANCE REPORT.—Section 104(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(c)) is amended—

(1) by striking ''From the'' and inserting ''(1) IN GENERAL.—From the''; and

(2) by adding at the end the following:

''(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.''.

(d) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

''(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine—

''(A) the quality and relevance of the water resources research of the institute;

''(B) the effectiveness of the institute at producing measured results and applied water supply research; and

''(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

''(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking ''$12,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$7,500,000 for each of fiscal years 2012 through 2017''.

(f) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended by striking ''$6,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$1,500,000 for each of fiscal years 2012 through 2017''.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, and Mrs. FEINSTEIN):

S. 2105. A bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States; read the first time.

Mr. LIEBERMAN. Mr. President, I came to the floor to introduce the Cyber Security Act of 2012. I am here with Senator SUSAN COLLINS. I thank her for all the work we have done together in what has been a wonderfully bipartisan, nonpartisan relationship to deal with a very serious national problem. I am honored that we are joined in introducing this bill by the chairs of the two committees that have been most involved in questions of cyber security, chairman of the Commerce Committee, Senator ROCKEFELLER, and the chair of the Intelligence Committee of the Senate, Senator FEINSTEIN of California. We have also had the involvement of the chairs and others on the Foreign Relations Committee, Judiciary Committee, and Energy Committee. I am very proud this is a bill that Senators COLLINS and ROCKEFELLER and FEINSTEIN and I introduced today.

I wish to give particular thanks to the majority leader, Senator REID, for his unflagging support, based on his personal concern about cyber defenses and based on classified briefings he received on this problem. He pushed us to work across party and committee lines to pull the bill together that we are introducing today.

It is interesting to note—since there has been a lot of commentary in the last 24 hours about President Obama's budget—that President Obama has recognized, in the most tangible terms, the danger that confronts us by recommending adding at least $300 million in the coming year to our cyber security effort.

Still, I know that while it is February 14, 2012, those of us who have worked on this problem fear that when it comes to protecting America from cyber attack, it may be September 10, 2001, all over again. The question is whether America will confront this grave threat to our security before it happens, before our enemies attack.

We are being bled of our intellectual property every day by cyber thieves. The consequences of their thievery are very real to America's economy, our prosperity, and indeed our capacity to create jobs and hold the ones we have.

Enemies probe the weaknesses in our critical national assets every day, waiting until the time is right, through cyber attack, to cripple our economy or attack, for instance, a city's electric grid with the touch of a key on the other side of the world.

The fact is our cyber defenses are not what they should be, but such as they are they are blinking red. Yet, again, I fear we will not be able to connect the dots to prevent a 9/11-type cyber attack on America before it happens. The aim of this bill is to make sure we don't scramble here in Congress after such an attack to do what we can and should do today.

Intellectual property worth billions of dollars has already been stolen, giving our international competitors access in the global marketplace without ever having to invest a dime in research.

The fact is that even the most sophisticated companies are being penetrated, and our adversaries are using information learned in one intrusion to plan the next more sophisticated one.

Last year, the computer security firm McAfee conducted a study of 70 specific instances of data theft, and they issued a report on those instances. They included 13 defense contractors, 6 industrial plants, and 8 American and Canadian Government networks. Based on that report, the former vice president of McAfee, Dmitri Alperovitch, issued this ominous warning:

> I am convinced that every company in every conceivable industry with significant size and valuable intellectual property and trade secrets has been compromised—or will be shortly—with the great majority of the victims rarely discovering the intrusion or its impact.

In fact, I divide this entire set of Fortune Global 2000 firms into two categories: those that know they've been compromised and those that don't yet know.

These examples, of course, are deeply alarming, but in addition, lurking out in the ether are computer worms such as Stuxnet that can commandeer the computers that control heavy machinery and potentially allow an intruder to open and close key valves and switches in pipelines, refineries, factories, water and sewer systems, and electric plants in our country without detection by their operators.

Obviously, this capacity could be used by an enemy to attack our country and do damage not only comparable to 9/11 but far in excess of it. Depending on the target or targets, these kinds of cyber attacks could lead to terrible physical destruction, massive loss of life, massive evacuations, and, of course, widespread economic disruption.

Owners of these critical systems; that is, private sector owners—and, remember, most of private infrastructure in America is privately owned and is what this bill is talking about—have sometimes told us we don't need to worry about the security of their systems because they are not connected to the Internet. But the reality today is that is simply not correct. The experts have told us that a truly air-gapped system, as they call it; that is, one not connected to the Internet—is as rare as a blizzard in the Caribbean. If it exists, our best cyber experts have yet to see it. And Stuxnet has shown us it doesn't matter if a system is air gapped, because one thumb drive plugged into a computer can lead to an infection that spreads.

If we don't act now to secure our computer network, sometime in the future—and I believe it will be in the near future—we will be forced to act in the middle of a mega cyber crisis or right after one that has had an enormous, perhaps catastrophic, effect on our country. That is why we introduced this bill, and that is why we look forward to the debate on it, and why we hope it will pass and be enacted before a cyber catastrophe occurs in America.

Let me briefly describe some of the important work this bill does. First, it ensures the computer systems—private systems—that control our most critical infrastructure that are currently not secure are made secure. Our bill defines critical infrastructure narrowly to include those systems that, if brought down, or commandeered in a cyber attack would lead to mass casualties, evacuations of major population centers, the collapse of financial markets, or degradation of our national security. This is critical infrastructure. After identifying the precise systems that meet the definition of high risk, the Secretary of Homeland Security would, under our legislation, then work with the private sector operators of those systems to develop cyber security performance requirements based on risk assessments of those sectors. The private sector owners would then have some flexibility to meet those performance requirements with hardware or software they choose so long as it achieves the required level of security.

The Department of Homeland Security will not be picking technological winners and losers, so there is nothing in this bill that would stifle innovation. In fact, I think quite the contrary. If a company can show it already has met high security standards, it will be exempt from these requirements. The bill focuses on securing that which is not secure today, not on putting new requirements on industries that are doing everything they should be doing to protect themselves and our national security.

Once these improved security systems come on line, I think many companies will want to apply them to noncritical systems that are not covered by this bill as a way to protect the privacy of their employees and customers, as well as giving these companies the chance to offer secure e-commerce services. But that will be up to each company.

This bill also seeks to make compliance easier, more rational for covered critical infrastructure operators by creating a more streamlined and efficient cyber organization within the Department of Homeland Security. And at each step in the process created by our bill, the Department of Homeland Security must work with existing Federal regulators and the private sector they regulate to ensure no rules or regulations are put in place that duplicate or conflict with existing requirements. If a company feels the designation of its networks as critical infrastructure is somehow wrong, it has the right to appeal that decision through a system that the law requires DHS to set up or they can go to Federal district court.

This bill also establishes mechanisms for information sharing between the private sector and the Federal Government and among the private sector operators themselves.

Senator FEINSTEIN and her committee made a significant contribution to this part of our bill. This is important because computer security experts in the private and public sectors need to be able to share information, compare notes, in order to protect us against the evolving cyber threat.

Our proposal also creates appropriate security measures and oversight to protect privacy and preserve civil liberties. In fact, I was pleased to read recently that the American Civil Liberties Union said it had studied our bill and found it offers the greatest privacy protections of all the cyber security legislation that has been proposed.

I am going to jump forward a little so I can yield to my distinguished ranking member in a moment.

I have discussed some of the things the bill does, but I want to mention two it doesn't do.

One myth about this bill is that it contains a kill switch that would allow the President of the United States in an emergency to seize control of the Internet. There is nothing remotely like that in this bill. At one time we had considered language that would, in fact, have limited powers the President has under the Communications Act of 1934 to take over electronic communications in times of war. But that provision was so widely misunderstood or misrepresented that we dropped it rather than risk losing the chance to pass the rest of this urgently needed legislation.

I also want to make clear that nothing in this bill touches on any of the issues that quite recently have inflamed our consideration of the Stop Online Piracy Act or the Protect IP Act, known as PIPA. Many Members in the Chamber have, metaphorically speaking, scars that still show from that experience. No need to fear this bill. This bill does nothing to affect the day-to-day workings of the Internet. Internet piracy and copyright protections are important concerns in the digital age. We have to deal with that at some point, but they are simply not part of this bill.

One final thing I do want to deal with is a complaint from, among others, our Chamber of Commerce that we are ''rushing forward with legislation that has not been fully vetted.'' Not true. This bipartisan legislation has been 3 years in the making, and its outlines have not only been shared with stakeholders and the public but their input has helped shape this final version of the bill we are introducing today.

More than 20 hearings on cyber security have been held across seven different Senate committees, with dozens more held on questions related to cyber security. In fact, our own committee, since 2005, has held nine hearings on the subject and will hold another one

this Thursday where we will hear reactions to this bill.

I am very pleased to say that Senator REID continues to be very committed to seeing us do everything we can to adopt legislation to protect our American cyber systems. I believe it is the leader's intent to bring up this bill in the next work period. I hope so. Because the truth is, time is not on our side. We are not adequately protected at this moment, and the capabilities of those who are attacking us for economic reasons or who prepare to attack us for strategic reasons grows larger and larger.

I do want to say we have a growing number of companies in the private sector—information technology, cyber security and other companies in critical infrastructure areas—that are coming to support this bill. Two I want to mention are SISCO and Oracle, which gives you some sense of the range of support for the bill.

Bottom line, I think this is a subject around which we should have a good healthy debate, an open amendment process, and a bipartisan agreement, because this is not at all about regulation, it is about our most fundamental national economic security and public safety.

With that, I yield the floor to my distinguished ranking member, Senator COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I do rise today to introduce with the chairman of the Homeland Security Committee Senator LIEBERMAN, as well as Senator ROCKEFELLER and Senator FEINSTEIN, the Cyber Security Act of 2012. As always, it has been a great pleasure to work with my friend and colleague from Connecticut on what I believe is the most important initiative we have come together on since perhaps our 2004 Intelligence Reform and Terrorism Prevention Act.

I am also delighted that three Senate chairmen who have significant jurisdiction in this area—Senators LIEBERMAN, ROCKEFELLER, and FEINSTEIN—have come together. We have all worked very hard on this bill. I also want to commend the staff of our committee, which has worked extraordinarily hard over several years to produce this bill. Our legislation would provide the Federal Government and the private sector with the tools necessary to protect our most critical infrastructure from growing cyber threats.

Earlier this month, FBI Director Robert Mueller warned that the cyber threat will soon equal or surpass the threat from terrorism. He argued that we should be addressing the cyber threat with the same intensity we have applied to the terrorist threat.

Director of National Intelligence Jim Clapper made the point even more strongly. He described the cyber threat as:

> A profound threat to this country, to its future, its economy and its very being.

These warnings are the latest in a chorus of warnings from current and former officials. Last November, the Director of the Defense Advanced Research Projects Agency, or DARPA, warned that malicious cyber attacks threaten a growing number of the systems with which we interact each and every day—the electric grid, our water treatment plants, and key financial systems.

Similarly, GEN Keith Alexander, commander of U.S. Cyber Command, and director of the National Security Agency, has warned that the cyber vulnerabilities we face are extraordinary and characterized by ''a disturbing trend from exploitation to disruption to destruction. ''

As Senator LIEBERMAN has pointed out, the threat is not only to our national security but also to our economic well-being.

A study by the company, Norton, last year calculated the cost of global cyber crime at $114 billion annually. When combined with the value of time that victims lost due to cyber crime, this figure grows to $388 billion globally, which Norton described as ''significantly more'' than the global black market in marijuana, cocaine, and heroin combined.

In an op-ed last month titled, ''China's Cyber Thievery Is National Policy—And Must Be Challenged,'' former DNI Mike McConnell, former Homeland Security Secretary Michael Chertoff, and former Deputy Secretary of Defense William Lynn noted the ability of cyberterrorists to cripple our critical infrastructure, and they sounded an even more urgent alarm about the threat of economic cyber espionage.

Citing an October 2011 report to Congress by the Office of the National Counterintelligence Executive, they warned of the catastrophic impact that cyber espionage—particularly that pursued by China—could have on our economy and our competitiveness. They estimated that the cost easily means billions of dollars and millions of jobs. This threat is all the more menacing because it is being pursued by a global competitor seeking to steal the research and development of American firms to undermine our economic leadership.

The evidence of our cyber security vulnerability is overwhelming and compels us to act. As the chairman mentioned, since 2005, our Homeland Security Committee has held nine hearings on the cyber threat. In 2010, Chairman LIEBERMAN, Senator CARPER, and I introduced our cyber security bill, which was reported by the committee later that same year. Since last year, we have been working with Chairman ROCKEFELLER to merge our bill with legislation he has championed which was reported by the Commerce Committee.

Lately, after incorporating changes based on the feedback of our colleagues, the private sector, and the administration, we have produced a new version which we introduced today. Some of our colleagues have urged us to focus very narrowly on the Federal Information Security Management Act, as well as on Federal research and development, and improved information sharing. We do need to address those issues, and our bill does address those important issues.

Again, as did Senator LIEBERMAN, I commend Senator FEINSTEIN for her contributions in the area of improved information sharing, and Senator CARPER for the work he has done on the Federal Information Security Management Act. But the fact remains that with 85 percent of our Nation's critical infrastructure owned by the private sector, government also has a critical role in ensuring that the most vital parts of that critical infrastructure—those whose disruption could result in truly catastrophic consequences, such as mass casualties or mass evacuations—meet reasonable, risk-based performance standards.

In an editorial this week, the Washington Post concurred, writing that:

> Our critical systems have remained unprotected. To accept the status quo would be an unacceptable risk to U.S. national security.

The Post got it exactly right.

Some of our colleagues are skeptical about the need for any new regulations. There is no one who has worked harder than I have to oppose regulations that would unnecessarily burden our economy and cost us jobs. But we need to distinguish between regulations that hurt our economy and are not necessary and hinder our international competitiveness versus regulations that are necessary for our national security and that promote rather than hinder our economic prosperity, those that strengthen our economy and our Nation.

The fact is the risk-based performance requirements in our bill are targeted carefully. They only apply to specific systems and assets—not entire companies—that, if damaged, could reasonably be expected to result in mass casualties, huge evacuations, catastrophic economic damages, or a severe degradation of our national security. In other words, we are talking about truly catastrophic impacts. Moreover, the owners of critical infrastructure, not the government, would select and implement the cyber security measures the owners determine to be best suited to satisfy the risk-based cyber security performance requirements.

Our new bill would also require the Secretary of Homeland Security to select from among existing industry practices and standards or choose performance requirements proposed by the private sector—lots of collaboration and consultation. Only if none of these mitigates the risks identified through this public-private collaboration could the Secretary propose something different. That is extremely unlikely to happen.

The bill prohibits the regulation of the design and development of commercial IT products. It would require that existing requirements and current regulators be used wherever possible. The bill would allow Federal officials to waive the bill's requirements when existing regulations or security measures are already sufficiently robust.

As with our earlier versions of this bill, companies in substantial compliance with the performance requirements at the time of a cyber incident would receive liability protection from any punitive damages associated with an incident, giving them an incentive to comply.

The fact remains that improving cyber security is absolutely essential. We cannot afford to wait for a cyber 9/11 before taking action. The warnings could not be clearer about the vulnerabilities and the threat to our systems. Every single day nation states, terrorist groups, cyber criminals, and hackers probe our systems both in the public and the private sectors, and they have been successful over and over in their intrusions.

We don't want to look back after a catastrophic cyber event and say: Why didn't we act? How could we have ignored all of these warnings? So I would encourage our colleagues to continue to work with us and to come together and enact this vitally needed legislation.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, when most Americans think of cyber security, they conjure up an image of somebody having a credit card number stolen, for example, or a prankster using their Twitter account or somebody downloading a movie without paying for it. And although that is all true and important, it is not dangerous. The internet is central to our lives, our economy, and our society. Any insecurity is a worry. I will expand.

We are here today because the experts are warning us that we are on the brink of something much worse, something that could bring down our economy, rip open our national security or even take lives. The prospect of mass casualty is what has propelled us to make cyber security a top priority for this year, to make it an issue that transcends political parties or ideology.

Consider the warning signs: Hackers now seem to be able to routinely crack the codes of our government agencies, including the most sensitive ones. They do so routinely with our Fortune 500 companies, and then everything in between. ADM Mike Mullen, former Joint Chiefs of Staff Chairman, said that a cyber security threat is the only other threat that is on the same level as Russia's stockpile of nuclear weapons—loose nukes, if you will. FBI Director Robert Mueller testified to Congress very recently that the cyber threat will soon overcome terrorism as the top national security focus of the FBI. Think about that—cyber threats will be as dangerous as terrorism.

Cyber threats and the prospects of a widespread cyber attack could potentially be as devastating to this country as the terrorist strikes that tore apart this country just 10 short years ago. How is that possible, you ask. Think about how many people could die if a cyber terrorist attacked our air traffic control system—both now and when it is made modern—and our planes slammed into one another or if rail-switching networks were hacked, causing trains carrying people—and more than that, perhaps hazardous material, toxic materials—to derail or collide in the midst of our most populated urban areas, such as Chicago, New York, San Francisco, Washington, DC, et cetera. What about an attack on networks that run a pipeline, refinery, or a chemical factory, causing temperature and pressure imbalance, leading to an explosion equivalent to a massive bomb, or an attack on a power grid, shutting down generators and killing electricity going into cities and our hospitals. In short, we are on the brink of what could be a calamity.

President Bush's last Director of National Intelligence and President Obama's first Director of National Intelligence in consecutive years said that cyber security was the major national security threat facing this Nation. Are we paying attention? We can act now and try to prepare ourselves as best we can or we can wait and we will be surprised with what happens.

I am here to argue that we should act now to prevent a cyber disaster. That is what this bill would do. Working with my friends Senator LIEBERMAN and Senator COLLINS, we have written legislation that I believe strikes the right balance, addressing the danger without putting an undue new set of regulations on business.

Our bill would determine the greatest cyber vulnerabilities throughout our critical infrastructure; protect and promote private sector innovation, creativity, and encourage private sector leadership and real accountability in securing their private systems; and improve threat and vulnerability information sharing between the government and the private sector, while protecting as best as we can privacy and civil liberties. It will improve the security of the Federal Government networks, including our most sensitive ones that are now being hacked into; clarify the roles and responsibilities of Federal agencies; strengthen our cyber workforce; coordinate cyber security research and development; and promote public awareness of cyber vulnerabilities to ensure a better informed and more alert citizenry, frankly.

Let me say again that this is bipartisan and was written to address the many concerns that surfaced 3 years ago when we first raised this issue and, frankly, when we started writing this bill. We held meetings with all sides and incorporated hundreds of specific suggestions and, in short, tried to do what we do with any important and large piece of legislation—make a lot of people really think deeply and come up with a compromise to which everyone can agree.

Earlier this month, an association of major high-tech companies praised our approach. Generally, they do. We have talked with industry, with the White House, with everybody hundreds of times over a period of 3 years, and in the end we settled on a plan that creates no new bureaucracy or heavy-handed regulation. However, it is premised on companies taking responsibility for securing their own networks, with government assistance as necessary. Will they do that?

I think back to 2000 and 2001 when we all saw signs of people moving in and out of the country. We were not quite sure what that meant. We saw dots appear to connect, but did they or didn't they? And we knew something new and something different and something dangerous just might be upon us, but we didn't drill down. Our intelligence and national security leadership took these matters very seriously, as best as they possibly could, but in the end not seriously enough. It was too late—September 11 happened.

Today, with a new set of warnings flashing before us on a different subject—cyber security and a wide range of new challenges to our security and our safety—we again face a choice: act now and put in place safeguards to protect this country and our people or act later when it is too late. I hope we act now.

By Mr. BROWN of Ohio (for himself, Mr. SANDERS, and Mr. UDALL of New Mexico):

S. 2108. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN of Ohio. Mr. President, today, only 54 percent of Americans ages 18 to 24 have jobs—the lowest employment rate for young people since this data was first collected in 1948. It is a job deficit that cripples our economy in both the short-term and long-term. But it's also a deficit we can close if we do the right thing and invest in programs that help young people find the jobs they—and our economy—need. That is why I am introducing the Youth Corps Act of 2012.

The Youth Corps Act of 2012 would establish a competitive grant program in the Workforce Investment Act to expand the Youth Corps program across the Nation.

The Youth Corps is a direct descendent of President Franklin Delano Roosevelt's Civilian Conservation Corps, his most successful and popular New Deal program aimed at helping young men find employment during the Great Depression.

From 1933 to 1942, more than 3 million young men served in the Civilian

Conservation Corps dramatically improving the Nation's public land, while also receiving food, housing, education, and a small stipend. They helped plant nearly 3 billion trees to reforest the nation, constructed more than 800 parks nationwide, and built a network of public roadways in remote areas. In Ohio, their legacy persists across our State in organizations like the Muskingum Conservancy Watershed District, which provides the system that protects thousands of acres of land from flooding.

Today, more than 30,000 young men and women participate annually in the Youth Corps program in all 50 States and the District of Columbia. Some Corps members improve and preserve public lands and national parks, while others work with students in our Nation's public schools. Finally, some members provide disaster preparation and recovery services to underresourced communities.

The Youth Corps Act of 2012 would provide more young adults with the opportunity to experience Youth Corps, while ensuring a steady source of funding for these programs. Currently, funding for Youth Corps programs comes from a wide variety of sources, forcing many Corps to operate with uncertainty. By investing in Youth Corps, we are investing in our Nation's future teachers and principals, doctors and lawyers.

The men and women who participate in Youth Corps are selfless, dedicated, and passionate people. While some may have faced challenges during their childhood or struggled in school, all of them are interested in bridging the gap between education and opportunity that too often plagues our communities. With the guidance of an adult community leader, a modest stipend, and support services like education and career preparation, participants are able to gain valuable life and career skills.

Ohio is home to three Youth Corps programs: the WSOS Quilter Conservation Corps, City Year Cleveland, and City Year Columbus. Members of these Corps provide a great public service to the citizens of Ohio—a legacy like that of the CCC which will persist for generations.

The WSOS Quilter Conservation Corps members serve as Benefit and Tax Counselors, helping low-income individuals file their State and Federal taxes, apply for benefits like health care coverage, home energy assistance, child care subsidies and food stamps.

Members of City Year Cleveland and City Year Columbus serve as mentors and educators in our most challenged schools.

My daughter, Elizabeth, was a City Year Corps Member in Philadelphia, and my other daughter, Caitlin, was a member of City Year in Providence.

City Year is a national model on how each of us can serve our Nation. For this reason, we must invest more in these vital programs.

Each of these programs improves our state while providing skills to our Nation's future leaders. And for this reason, we must invest more in these important programs.

That is why I am proud to introduce the Youth Corps Act of 2012. By empowering our young people to serve their communities, we can help provide them with the skills they need to find jobs, strengthen our economy, and enrich our communities.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 2109. A bill to approve the settlement of water rights claims of the Navajo Nation, the Hopi Tribe, and the allottees of the Navajo Nation and Hopi Tribe in the State of Arizona, to authorize construction of municipal water projects relating to the water rights claims, to resolve litigation against the United States concerning Colorado River operations affecting the States of California, Arizona, and Nevada, and for other purposes; to the Committee on Indian Affairs.

Mr. KYL. Mr. President, on behalf of Senator MCCAIN and myself, I am pleased to introduce the Navajo-Hopi Little Colorado River Water Rights Settlement Act of 2012. This is S. 2109.

It is propitious as the State of Arizona today celebrates its centennial—its 100th birthday—that we also have the opportunity to resolve significant water rights issues for the Navajo Nation, the Hopi Tribe, and water users throughout the Southwest. Indeed, the legal arguments for the claims being settled predate Arizona's induction into the Union. It is also worth noting that for more than two decades—more than 20 percent of Arizona's statehood time—hundreds of individuals in Arizona and here in Washington have worked hard to settle all these claims.

The protracted, and at times contentious, negotiations are a reflection of water's fundamental importance as well as the care and attention communities in the Southwest have given to managing this very limited resource. For many on the Navajo and Hopi Reservations, however, management of the resource is nothing more than a mirage.

It shocks the conscience in this day and age that many on the Navajo and Hopi Reservations only have access to the amount of water they can haul—in some instances literally by horse and wagon—to the remote reaches of the reservations. While this picture of conditions near Dilkon on the Navajo Reservation could be confused as a depiction of conditions at the time Arizona became a State in 1912, it was taken in just August of last year.

We can see that it depicts, as in many other areas of the reservation, that between one-third and one-half of the households lack complete plumbing facilities, with many families being forced to haul water significant distances. That is what we see depicted in this photograph. This has become a way of life on the reservation—a full-time job that limits economic opportunities and perpetuates a cycle of poverty. What is more, this lack of clean, readily available drinking water significantly impacts the health and safety of the Navajo and Hopi people. There are higher rates of disease and infant mortality and a lack of sufficient water supplies to meet fire-suppression needs. It is inconceivable in 2012 that Navajo and Hopi families are still living in these conditions.

Legally, the Navajo Nation and the Hopi Tribe may assert claims to larger quantities of water, but, as seen here, they do not have the means to make use of those supplies in a safe and productive manner. Among water law practitioners, the tribes may be said to have ''paper'' water, as opposed to ''wet'' water. Those claims are far-reaching, extending beyond the mesas and plateaus of northern Arizona and calling into question water uses even in California and Nevada.

The legislation we introduce today, however, would resolve many of those issues. In exchange for legal waivers, the Navajo Nation and the Hopi Tribe would receive critical drinking water infrastructure. The three groundwater projects contemplated by this act would deliver much needed drinking water supplies to the impoverished areas of the Navajo and Hopi Reservations.

It is also important to note that this settlement would facilitate water deliveries to the eastern part of the Navajo reservation through the Navajo-Gallup Water Supply Project, a project that has not only been approved by Congress but was one of 14 projects chosen by the President in October for expedited environmental review and permitting. Although that expedited project may deliver 6,411 acre-feet of water to Navajo communities in Arizona, such deliveries cannot occur until the Navajo claims in Arizona have been resolved. This settlement accomplishes that goal, reallocating water for delivery through the Navajo-Gallup pipeline.

Importantly, this settlement would not only inure to the benefit of the Navajo Nation and the Hopi Tribe, but it would also provide immeasurable benefits to non-Indian communities throughout Arizona, California, and Nevada. Without a settlement, resolution of the tribes' claims would take years, require parties to expend significant sums, create continued uncertainty concerning water supplies, and seriously impair the economic well-being of all of the parties to the settlement.

For example, municipalities, farmers, ranchers, and industrial water users in northern Arizona would be able to better plan for their water future without the uncertainty and expense of continuing costly litigation against the tribes. Likewise, water users from the Imperial Valley of California to the Las Vegas Strip would be

able to take comfort in the knowledge that lower Colorado River water-management regulations that they spent years developing would no longer be subject to challenge by the Navajo Nation.

In addition to resolving the tribes' claims to the Little Colorado River, this settlement sets the table for future negotiations regarding the lower Colorado River. The settlement, among other things, reserves water for future negotiation of those claims. In doing so, this bill acknowledges the importance of those settlement negotiations to the tribes and the non-Indian communities throughout the Southwest.

I have had the privilege to work on a number of water settlements throughout my career. Each has been rewarding and served to meet significant needs for both the American Indian and non-Indian communities involved. In that same regard, I am pleased to have had the opportunity to work with the many parties who have negotiated this settlement, and I am committed to bringing it to fruition through congressional enactment.

I believe this bill represents the best opportunity for all of the parties and for the American taxpayer to achieve a fair result. The settlement resolves significant legal claims, limits legal exposure, avoids protracted litigation costs, and, most important, saves lives. Therefore, I urge my colleagues to support this legislation.

As we move forward with the request for hearings that we will need to hold and hopefully, after that, bringing this legislation, after properly marking it up, to the floor of the Senate, Senator MCCAIN and I will have much more to say about how the settlement came about, what its importance is to the people of Arizona, describing the legal consequences of it, and what it means to the future of my State.

I am particularly pleased that all of the parties in Arizona—literally hundreds of people came together to reach an agreement that we could then embody in legislation that I could introduce on the day of Arizona's birthday, its centennial, its 100th birthday, as another important event in the history of our State. I think it would be a fitting birthday present to the people of the State Arizona if our colleagues will help us in ensuring that this legislation can be adopted in this centennial year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2109

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Navajo-Hopi Little Colorado River Water Rights Settlement Act of 2012''.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in keeping with the trust responsibility of the United States to Indian tribes, to settle Indian water rights claims whenever possible without lengthy and costly litigation;

(2) the water rights settlements described in paragraph (1) typically require congressional review and approval;

(3) the Navajo Nation and the United States, acting as trustee for the Navajo Nation and allottees of the Navajo Nation, claim the right to an unquantified amount of water from the Little Colorado River system and source;

(4) the Navajo Nation claims the right to an unquantified amount of water from the lower basin of the Colorado River and has challenged the legality of the Colorado River Interim Surplus Guidelines, the Colorado River Quantification Settlement Agreement of the State of California, interstate water banking regulations, and Central Arizona Project water deliveries;

(5) the defendants in the action described in paragraph (4) include—

(A) the Department of the Interior, including the Bureau of Reclamation and the Bureau of Indian Affairs, and

(B) intervenor-defendants, including—

(i) the Southern Nevada Water Authority;

(ii) the Colorado River Commission of Nevada;

(iii) the State of Arizona;

(iv) the State of Nevada;

(v) the Central Arizona Water Conservation District;

(vi) the Southern California Metropolitan Water District;

(vii) the Imperial Irrigation District;

(viii) the Coachella Valley Water District;

(ix) the Arizona Power Authority;

(x) the Salt River Project Agricultural Improvement and Power District; and

(xi) the Salt River Valley Water Users Association;

(6) the Hopi Tribe and the United States, acting as trustee for the Hopi Tribe and allottees of the Hopi Tribe, claim the right to an unquantified amount of water from the Little Colorado River system and source; and

(7) consistent with the policy of the United States, this Act settles the water rights claims of the Navajo Nation, allottees of the Navajo Nation, the Hopi Tribe, and allottees of the Hopi Tribe by providing drinking water infrastructure to the Navajo Nation and the Hopi Tribe in exchange for limiting the legal exposure and litigation expenses of the United States, the States of Arizona and Nevada, and agricultural, municipal, and industrial water users in the States of Arizona, Nevada, and California.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to resolve, fully and finally—

(A) any and all claims to the Little Colorado River system and source in the State of Arizona of—

(i) the Navajo Nation, on behalf of itself and the members of the Navajo Nation;

(ii) the United States, acting as trustee for the Navajo Nation, the members of the Navajo Nation, and allottees of the Navajo Nation;

(iii) the Hopi Tribe, on behalf of itself and the members of the Hopi Tribe; and

(iv) the United States, acting as trustee for the Hopi Tribe, the members of the Hopi Tribe, and allottees of the Hopi Tribe; and

(B) any and all claims to the Gila River system and source in the State of Arizona of the Navajo Nation, on behalf of itself and the members of the Navajo Nation;

(2) to approve, ratify, and confirm the settlement agreement entered into among the Navajo Nation, the Hopi Tribe, the United States, the State of Arizona, and any other party;

(3) to authorize and direct the Secretary to execute and perform the duties and obligations of the Secretary under the settlement agreement and this Act; and

(4) to authorize any actions and appropriations necessary for the United States to fulfill the duties and obligations of the United States to the Navajo Nation, allottees of the Navajo Nation, the Hopi Tribe, and allottees of the Hopi Tribe, as provided in the settlement agreement and this Act.

SEC. 4. DEFINITIONS.

In this Act:

(1) 1934 ACT CASE.—The term ''1934 Act case'' means the litigation styled Honyoama v. Shirley, Case No. CIV 74–842–PHX–EHC (D. Ariz. 2006).

(2) ABSTRACT.—The term ''abstract'' means a summary of water rights or uses held or owned by any person, as represented in a form substantially similar to the form attached as exhibit 3.1.4 to the settlement agreement.

(3) AFY.—The term ''afy'' means acre-feet per year.

(4) ALLOTMENT.—The term ''allotment'' means an allotment that—

(A) was originally allotted to an individual identified as a Navajo or Hopi Indian in the allotting document;

(B) is located—

(i) within the exterior boundaries of the Navajo Reservation;

(ii) within the exterior boundaries of the Hopi Reservation; or

(iii) on land that is—

(I) off-reservation land; and

(II) within Apache, Coconino, or Navajo County, in the State; and

(C) is held in trust by the United States for the benefit of an allottee.

(5) ALLOTTEE.—The term ''allottee'' means a person who holds a beneficial real property interest in an allotment.

(6) AVAILABLE CAP SUPPLY.—The term ''available CAP supply'' means, for any given year—

(A) all fourth priority Colorado River water available for delivery through the CAP system;

(B) water available from CAP dams and reservoirs other than Modified Roosevelt Dam; and

(C) return flows captured by the Secretary for CAP use.

(7) CAP CONTRACT.—The term ''CAP contract'' means a long-term contract or subcontract, as those terms are used in the CAP repayment stipulation, for delivery of CAP water.

(8) CAP CONTRACTOR.—The term ''CAP contractor'' means a person or entity that has entered into a long-term contract or subcontract (as those terms are used in the CAP repayment stipulation) with the United States or the United States and the Central Arizona Water Conservation District for delivery of water through the CAP system.

(9) CAP FIXED OM&R CHARGE.—The term ''CAP fixed OM&R charge'' means ''Fixed OM&R Charge'', as that term is defined in the CAP repayment stipulation.

(10) CAP M&I PRIORITY WATER.—The term ''CAP M&I priority water'' means the CAP water that has a municipal and industrial delivery priority under the CAP repayment contract.

(11) CAP NIA PRIORITY WATER.—The term ''CAP NIA priority water'' means the CAP water deliverable under a CAP contract providing for the delivery of non-Indian agricultural priority water.

(12) CAP OPERATING AGENCY.—

(A) IN GENERAL.—The term ''CAP operating agency'' has the meaning given the term in section 2 of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3478).

(B) ADMINISTRATION.—As of the date of enactment of this Act, the ''CAP operating agency'' is the Central Arizona Water Conservation District.

(13) CAP PUMPING ENERGY CHARGE.—The term ''CAP pumping energy charge'' means ''Pumping Energy Charge'', as that term is defined in the CAP repayment stipulation.

(14) CAP REPAYMENT CONTRACT.—The term ''CAP repayment contract'' has the meaning given the term in section 2 of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3478).

(15) CAP REPAYMENT STIPULATION.—The term ''CAP repayment stipulation'' means the Stipulated Judgment and the Stipulation for Judgment (including exhibits), entered on November 21, 2007, in the case styled Central Arizona Water Conservation District v. United States, et al., No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–PHX–EHC (Consolidated Action), United States District Court for the District of Arizona (including any amendments or revisions).

(16) CAP SYSTEM.—The term ''CAP system'' has the meaning given the term in section 2 of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3478).

(17) CAP WATER.—The term ''CAP water'' means ''Project Water'', as that term is defined in the CAP repayment stipulation.

(18) CENTRAL ARIZONA PROJECT OR CAP.—The term ''Central Arizona Project'' or ''CAP'' means the Federal reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act (43 U.S.C. 1521 et seq.).

(19) CENTRAL ARIZONA WATER CONSERVATION DISTRICT.—The term ''Central Arizona Water Conservation District'' means the political subdivision of the State that is the contractor under the CAP repayment contract.

(20) COLORADO RIVER COMPACT.—The term ''Colorado River Compact'' means the Colorado River Compact of 1922, as ratified and reprinted in article 2 of chapter 7 of title 45, Arizona Revised Statutes.

(21) COLORADO RIVER SYSTEM.—The term ''Colorado River system'' has the meaning given the term in article II(a) of the Colorado River Compact.

(22) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(23) DECREE.—The term ''decree'', when used without a modifying adjective, means—

(A) the decree of the Supreme Court in the case styled Arizona v. California (376 U.S. 340 (1964));

(B) the Consolidated Decree entered on March 27, 2006 (547 U.S. 150), in the case described in subparagraph (A); and

(C) any modifications to the decrees described in subparagraphs (A) and (B).

(24) DIVERT.—The term ''divert'' means to receive, withdraw, develop, produce, or capture groundwater, surface water, Navajo Nation CAP water, or effluent by means of a ditch, canal, flume, bypass, pipeline, pit, collection or infiltration gallery, conduit, well, pump, turnout, other mechanical device, or any other human act, including the initial impoundment of that water.

(25) EFFLUENT.—

(A) IN GENERAL.—The term ''effluent'' means water that—

(i) has been used in the State for domestic, municipal, or industrial purposes; and

(ii) is available for use for any purpose.

(B) EXCLUSION.—The term ''effluent'' does not include water that has been used solely for hydropower generation.

(26) FOURTH PRIORITY COLORADO RIVER WATER.—The term ''fourth priority Colorado River water'' means Colorado River water that is available for delivery in the State for satisfaction of entitlements—

(A) pursuant to contracts, Secretarial reservations, perfected rights, and other arrangements between the United States and water users in the State entered into or established subsequent to September 30, 1968, for use on Federal, State, or privately owned land in the State, in a total quantity that does not exceed 164,652 afy of diversions; and

(B) after first providing for the delivery of water under section 304(e) of the Colorado River Basin Project Act (43 U.S.C. 1524(e)), pursuant to the CAP repayment contract for the delivery of Colorado River water for the CAP, including use of Colorado River water on Indian land.

(27) GILA RIVER ADJUDICATION.—The term ''Gila River adjudication'' means the action pending in the Superior Court of the State of Arizona in and for the County of Maricopa styled In Re the General Adjudication of All Rights To Use Water In The Gila River System and Source, W–1 (Salt), W–2 (Verde), W–3 (Upper Gila), W–4 (San Pedro) (Consolidated).

(28) GILA RIVER ADJUDICATION COURT.—The term ''Gila River adjudication court'' means the Superior Court of the State of Arizona in and for the County of Maricopa, exercising jurisdiction over the Gila River adjudication.

(29) GILA RIVER ADJUDICATION DECREE.—The term ''Gila River adjudication decree'' means the judgment or decree entered by the Gila River adjudication court, which shall be in substantially the same form as the form of judgment attached to the settlement agreement as exhibit 3.1.49.

(30) GROUNDWATER.—The term ''groundwater'' means all water beneath the surface of the earth within the State that is not—

(A) surface water;

(B) underground water within the Upper Basin;

(C) Lower Colorado River water; or

(D) effluent.

(31) HOPI FEE LAND.—The term ''Hopi fee land'' means land, other than Hopi trust land, that—

(A) is located in the State;

(B) is located outside the exterior boundaries of the Hopi Reservation; and

(C) as of the LCR enforceability date, is owned by the Hopi Tribe, including ownership through a related entity.

(32) HOPI GROUNDWATER PROJECT.—The term ''Hopi Groundwater Project'' means the project carried out in accordance with section 103(b).

(33) HOPI GROUNDWATER PROJECT ACCOUNT.—The term ''Hopi Groundwater Project Account'' means the account created in the Treasury of the United States pursuant to section 104(c).

(34) HOPI LAND.—The term ''Hopi land'' means—

(A) the Hopi Reservation;

(B) Hopi trust land; and

(C) Hopi fee land.

(35) HOPI OM&R TRUST ACCOUNT.—The term ''Hopi OM&R Trust Account'' means the account created in the Treasury of the United States pursuant to section 104(d).

(36) HOPI RESERVATION.—

(A) IN GENERAL.—The term ''Hopi Reservation'' means the land within the exterior boundaries of the Hopi Reservation, including—

(i) all land withdrawn by the Executive Order dated December 16, 1882, and in which the Hopi Tribe is recognized as having an exclusive interest in the case styled Healing v. Jones, Case No. CIV-579 (D. Ariz. September 28, 1962), or that was partitioned to the Hopi Tribe in accordance with section 4 of the Act of December 22, 1974 (Public Law 93–531; 88 Stat. 1713), and codified in the Navajo-Hopi Land Dispute Settlement Act of 1996 (25 U.S.C. 640d note; Public Law 104–301);

(ii) all land partitioned to the Hopi Tribe by Judgment of Partition, dated February 10, 1977, in the case styled Sekaquaptewa v. MacDonald, Case No. CIV–579–PCT–JAW (D. Ariz.);

(iii) all land recognized as part of the Hopi Reservation in the 1934 Act case; and

(iv) all individual allotments made to members of the Hopi Tribe within the boundaries of the Hopi Reservation.

(B) MAP.—

(i) IN GENERAL.—The ''Hopi Reservation'' is also depicted more particularly on the map attached to the settlement agreement as exhibit 3.1.100.

(ii) APPLICABILITY.—In case of a conflict relating to the ''Hopi Reservation'' as depicted on the map under clause (i) and the definition in subparagraph (A), the definition under subparagraph (A) shall control.

(C) EXCLUSION.—The term ''Hopi Reservation'' does not include any land held in trust by the United States for the benefit of the Navajo Nation within the exterior boundaries of the Hopi Reservation.

(37) HOPI TRIBE.—The term ''Hopi Tribe'' means the Hopi Tribe, a Tribe of Hopi Indians organized under section 16 of the Act of June 18, 1934 (25 U.S.C. 476) (commonly known as the ''Indian Reorganization Act'').

(38) HOPI TRUST LAND.—The term ''Hopi trust land'' means land that—

(A) is located in the State;

(B) is located outside the exterior boundaries of the Hopi Reservation; and

(C) as of the LCR enforceability date, is held in trust by the United States for the benefit of the Hopi Tribe.

(39) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(40) INJURY TO QUALITY OF LOWER COLORADO RIVER WATER.—The term ''injury to quality of Lower Colorado River water'' means—

(A) any diminution or degradation of the quality of Lower Colorado River water due to a change in the salinity or concentration of naturally occurring chemical constituents of Lower Colorado River water; and

(B) any effect of a change described in subparagraph (A) if the change and effect of the change are due to the withdrawal, diversion, or use of Lower Colorado River water.

(41) INJURY TO RIGHTS TO LOWER COLORADO RIVER WATER.—The term ''injury to rights to Lower Colorado River water'' means any interference with, diminution of, or deprivation of the right of any entity to Lower Colorado River water under applicable law.

(42) INJURY TO WATER QUALITY.—The term ''injury to water quality'' means—

(A) any diminution or degradation of the quality of water due to a change in the salinity or concentration of naturally occurring chemical constituents of water; and

(B) any effect of a change described in subparagraph (A) if the change and effect of the change are due to the withdrawal, diversion, or use of water.

(43) INJURY TO WATER RIGHTS.—The term ''injury to water rights'' means an interference with, diminution of, or deprivation of, water rights under applicable law.

(44) LCR.—The term ''LCR'' means the Little Colorado River, a tributary of the Colorado River in Arizona.

(45) LCR ADJUDICATION.—The term ''LCR adjudication'' means the action pending in the Superior Court of the State of Arizona in and for the County of Apache styled In Re the General Adjudication of All Rights To Use Water In The Little Colorado River System and Source, CIV No. 6417.

(46) LCR ADJUDICATION COURT.—The term ''LCR adjudication court'' means the Superior Court of the State of Arizona in and for the County of Apache, exercising jurisdiction over the LCR adjudication.

(47) LCR DECREE.—The term ''LCR decree'' means the judgment and decree entered by the LCR adjudication court, which shall be in substantially the same form as the form of judgment attached to the settlement agreement as exhibit 3.1.70.

(48) LCR ENFORCEABILITY DATE.—The term ''LCR enforceability date'' means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 108(a).

(49) LCR WATERSHED.—The term ''LCR watershed'' means all land located within the surface water drainage of the LCR and the tributaries of the LCR in the State.

(50) LEE FERRY.—The term ''Lee Ferry'' has the meaning given the term in article II(e) of the Colorado River Compact.

(51) LOWER BASIN.—The term ''lower basin'' has the meaning given the term in article II(g) of the Colorado River Compact.

(52) LOWER COLORADO RIVER.—The term ''Lower Colorado River'' means the portion of the Colorado River that is in the United States and downstream from Lee Ferry, including any reservoirs on that portion of the Colorado River.

(53) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—The term ''Lower Colorado River Basin Development Fund'' means the fund established by section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543).

(54) LOWER COLORADO RIVER WATER.—

(A) IN GENERAL.—The term ''Lower Colorado River water'' means the waters of the Lower Colorado River, including—

(i) the waters of the reservoirs on the Lower Colorado River;

(ii) the waters of the tributaries to the Lower Colorado River, other than—

(I) tributaries located within the State;

(II) tributaries located within the Western Navajo Colorado River Basin; or

(III) tributaries of the LCR in the State of New Mexico;

(iii) all underground water that is hydraulically connected to the Lower Colorado River; and

(iv) all underground water that is hydraulically connected to tributaries to the Lower Colorado River, other than—

(I) tributaries located within the State;

(II) tributaries located within the Western Navajo Colorado River Basin; or

(III) tributaries of the LCR in the State of New Mexico.

(B) APPLICABILITY.—The definition of the term ''Lower Colorado River water'' in subparagraph (A) and any definition of the term included in the settlement agreement—

(i) shall apply only to this Act and the settlement agreement, as applicable; and

(ii) shall not be used in any interpretation of—

(I) the Colorado River Compact;

(II) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(III) the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.); or

(IV) any contract or agreement entered into pursuant to the documents described in subclauses (I) through (III).

(55) NAVAJO FEE LAND.—The term ''Navajo fee land'' means land, other than Navajo trust land, that—

(A) is located in the State;

(B) is located outside the exterior boundaries of the Navajo Reservation; and

(C) as of the LCR enforceability date, is owned by the Navajo Nation, including through a related entity.

(56) NAVAJO-GALLUP WATER SUPPLY PROJECT.—The term ''Navajo-Gallup water supply project'' means the project authorized, constructed, and operated pursuant to the Northwestern New Mexico Rural Water Projects Act (Public Law 111–11; 123 Stat. 1368).

(57) NAVAJO GENERATING STATION.—The term ''Navajo generating station'' means the Navajo generating station, a steam electric generating station located on the Navajo Reservation near Page, Arizona, and consisting of Units 1, 2, and 3, the switchyard facilities, and all facilities and structures used or related to the Navajo generating station.

(58) NAVAJO GROUNDWATER PROJECTS.—The term ''Navajo Groundwater Projects'' means the projects carried out in accordance with section 103(a).

(59) NAVAJO GROUNDWATER PROJECTS ACCOUNT.—The term ''Navajo Groundwater Projects Account'' means the account created in the Treasury of the United States pursuant to section 104(a).

(60) NAVAJO LAND.—The term ''Navajo land'' means—

(A) the Navajo Reservation;

(B) Navajo trust land; and

(C) Navajo fee land.

(61) NAVAJO NATION.—

(A) IN GENERAL.—The term ''Navajo Nation'' means the Navajo Nation, a body politic and federally recognized Indian nation, as provided in the notice of the Department of the Interior entitled ''Indian Entities Recognized and Eligible To Receive Services From The United States Bureau of Indian Affairs'' (75 Fed. Reg. 60810 (October 1, 2010)) published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1)).

(B) INCLUSIONS.—

(i) IN GENERAL.—The term ''Navajo Nation'' includes—

(I) the Navajo Tribe;

(II) the Navajo Tribe of Arizona, New Mexico & Utah;

(III) the Navajo Tribe of Indians; and

(IV) other similar names.

(ii) BANDS AND CHAPTERS.—The term ''Navajo Nation'' includes all bands of Navajo Indians and chapters of the Navajo Nation.

(62) NAVAJO NATION CAP WATER.—The term ''Navajo Nation CAP water'' means the 6,411 afy of the CAP NIA priority water retained by the Secretary pursuant to section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act of 2004 (Public Law 108–451; 118 Stat. 3487) and reallocated to the Navajo Nation pursuant to section 202(a) of this Act.

(63) NAVAJO NATION WATER DELIVERY CONTRACT.—The term ''Navajo Nation water delivery contract'' means the contract entered into pursuant to the settlement agreement and section 202(c) of this Act for the delivery of Navajo Nation CAP water.

(64) NAVAJO OM&R TRUST ACCOUNT.—The term ''Navajo OM&R Trust Account'' means the account created in the Treasury of the United States pursuant to section 104(b).

(65) NAVAJO PROJECT LEASE.—The term ''Navajo Project lease'' means the Indenture of Lease made and entered into on September 29, 1969, between—

(A) the Navajo Nation, as lessor; and

(B) lessees—

(i) the Arizona Public Service Company (including any successor or assignee);

(ii) the Department of Water and Power of the City of Los Angeles (including any successor or assignee);

(iii) the Nevada Power Company (including any successor or assignee);

(iv) the Salt River Project Agricultural Improvement and Power District (including any successor or assignee); and

(v) the Tucson Gas & Electric Company (including any successor or assignee).

(66) NAVAJO PROJECT LESSEES.—The term ''Navajo Project lessees'' means the lessees described in paragraph (65)(B).

(67) NAVAJO RESERVATION.—

(A) IN GENERAL.—The term ''Navajo Reservation'' means land that is within the exterior boundaries of the Navajo Reservation in the State, as defined by the Act of June 14, 1934 (48 Stat. 960, chapter 521), including—

(i) all land—

(I) withdrawn by the Executive Order dated December 16, 1882, and partitioned to the Navajo Nation in accordance with the Act of December 22, 1974 (Public Law 93–531; 88 Stat. 1713), and codified in the Navajo-Hopi Land Dispute Settlement Act of 1996 (25 U.S.C. 640d note; Public Law 104–301); and

(II) partitioned to the Navajo Nation by Judgment of Partition, dated February 10, 1977, in the case styled Sekaquaptewa v. MacDonald, Case No. CIV–579–PCT–JAW (D. Ariz.); and

(ii) all land taken into trust as a part of the Navajo Reservation pursuant to section 11 of the Act of December 22, 1974 (25 U.S.C. 640d-10) and codified in the Navajo-Hopi Land Dispute Settlement Act of 1996 (25 U.S.C. 640d note; Public Law 104–301).

(B) MAP.—

(i) IN GENERAL.—The ''Navajo Reservation'' is also depicted more particularly on the map attached to the settlement agreement as exhibit 3.1.100.

(ii) APPLICABILITY.—In case of a conflict relating to the ''Navajo Reservation'' as depicted on the map under clause (i) and the definition in subparagraph (A), the map under clause (i) shall control.

(C) EXCLUSION.—Except as provided in paragraph (36)(C), the term ''Navajo Reservation'' does not include any land within the boundaries of the Hopi Reservation.

(68) NAVAJO TRUST LAND.—The term ''Navajo trust land'' means land that—

(A) is located in the State;

(B) is located outside the exterior boundaries of the Navajo Reservation; and

(C) as of the LCR enforceability date, is held in trust by the United States for the benefit of the Navajo Nation.

(69) NORVIEL DECREE.—The term ''Norviel Decree'' means the final decree of the State of Arizona Superior Court in and for the County of Apache in the case styled The St. John's Irrigation Company and the Meadows Reservoir Irrigation Company, et al. v. Round Valley Water Storage & Ditch Company, Eagar Irrigation Company, Springerville Water Right and Ditch Company, et al., Case No. 569 (Apr. 29, 1918), including any modifications to the final decree.

(70) OM&R.—The term ''OM&R'' means operation, maintenance, and replacement.

(71) PARTY.—The term ''party'' means a person who is a signatory to the settlement agreement.

(72) PEABODY.—The term ''Peabody'' means the Peabody Western Coal Company, including any affiliate or successor of the Peabody Western Coal Company.

(73) PERSON.—

(A) IN GENERAL.—The term ''person'' means—

(i) an individual;

(ii) a public or private corporation;

(iii) a company;

(iv) a partnership;

(v) a joint venture;

(vi) a firm;

(vii) an association;

(viii) a society;

(ix) an estate or trust;

(x) a private organization or enterprise;

(xi) the United States;

(xii) an Indian tribe;

(xiii) a State, territory, or country;

(xiv) a governmental entity; and

(xv) a political subdivision or municipal corporation organized under or subject to the constitution and laws of the State.

(B) INCLUSIONS.—The term ''person'' includes an officer, director, agent, insurer, representative, employee, attorney, assign, subsidiary, affiliate, enterprise, legal representative, any predecessor and successor in interest and any heir of a predecessor and successor in interest of a person.

(74) PRECONSTRUCTION ACTIVITY.—

(A) IN GENERAL.—The term ''preconstruction activity'' means the work associated with the preplanning, planning, and design phases of construction, as those terms are defined in paragraphs (1) through (3) of section 900.112(a) of title 25, Code of Federal Regulations (or successor regulation).

(B) INCLUSION.—The term ''preconstruction activity'' includes activities described in section 900.112(b) of title 25, Code of Federal Regulations (or successor regulation).

(75) RAILROAD GRANTED LAND.—The term ''Railroad granted land'' means the land granted (including Federal rights-of-way and easements) to Navajo Project lessees in accordance with sections 1.16 and 2 of the grant issued by the Secretary and dated January 19, 1971.

(76) RIGHTS TO LOWER COLORADO RIVER WATER.—The term ''rights to Lower Colorado River water'' means any and all rights in or to Lower Colorado River water under applicable law.

(77) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or the designee of the Secretary).

(78) SETTLEMENT AGREEMENT.—

(A) IN GENERAL.—The term ''settlement agreement'' means the 2012 agreement, including exhibits, entitled the ''Navajo-Hopi Little Colorado River Water Rights Settlement Agreement''.

(B) INCLUSIONS.—The term ''settlement agreement'' includes—

(i) any amendments necessary to make the settlement agreement consistent with this Act; and

(ii) any other amendments approved by the parties to the settlement agreement and the Secretary.

(79) STATE.—The term ''State'' means the State of Arizona.

(80) STATE IMPLEMENTING LAW.—The term ''State implementing law'' means a law enacted by the State that includes terms that are substantially similar to the terms of the settlement agreement and attached to the settlement agreement as exhibit 3.1.128.

(81) SURFACE WATER.—

(A) IN GENERAL.—The term ''surface water'' means all water in the State that is appropriable under State law.

(B) EXCLUSIONS.—The term ''surface water'' does not include—

(i) appropriable water that is located within the upper basin; or

(ii) Lower Colorado River water.

(82) UNDERGROUND WATER.—

(A) IN GENERAL.—The term ''underground water'' means all water beneath the surface of the earth within the boundaries of the State, regardless of the legal characterization of that water as appropriable or non-appropriable under applicable law.

(B) EXCLUSION.—The term ''underground water'' does not include effluent.

(83) UPPER BASIN.—The term ''upper basin'' has the meaning given the term in article II(f) of the Colorado River Compact.

(84) UPPER BASIN COMPACT.—The term ''Upper Basin Compact'' means the Upper Colorado River Basin Compact of 1948, as ratified and reprinted in article 3 of chapter 7 of title 45, Arizona Revised Statutes.

(85) UPPER BASIN WATER.—The term ''upper basin water'' means the waters of the upper basin.

(86) WATER.—The term ''water'', when used without a modifying adjective, means—

(A) groundwater;

(B) surface water; and

(C) effluent.

(87) WATER RIGHT.—The term ''water right'' means any right in or to water under Federal, State, or law.

(88) WESTERN NAVAJO COLORADO RIVER BASIN.—The term ''Western Navajo Colorado River Basin'' means the portions of the Navajo Reservation that are located in the lower basin and outside of the LCR watershed.

(89) WINDOW ROCK.—The term ''Window Rock'' means the geographical area in the State to be served by the Navajo-Gallup water supply project, which shall include Window Rock, Arizona.

TITLE I—NAVAJO-HOPI LITTLE COLORADO RIVER WATER RIGHTS SETTLEMENT AGREEMENT

SEC. 101. RATIFICATION AND EXECUTION OF THE NAVAJO-HOPI LITTLE COLORADO RIVER WATER RIGHTS SETTLEMENT AGREEMENT.

(a) IN GENERAL.—Except to the extent that any provision of the settlement agreement conflicts with this Act, the settlement agreement is authorized, ratified, and confirmed.

(b) AMENDMENTS TO SETTLEMENT AGREEMENT.—If an amendment to the settlement agreement is executed to make the settlement agreement consistent with this Act, the amendment is authorized, ratified, and confirmed.

(c) EXECUTION OF SETTLEMENT AGREEMENT.—To the extent the settlement agreement does not conflict with this Act, the Secretary shall promptly execute—

(1) the settlement agreement, including all exhibits to the settlement agreement requiring the signature of the Secretary; and

(2) any amendments to the settlement agreement, including any amendment to any exhibit to the settlement agreement requiring the signature of the Secretary, necessary to make the settlement agreement consistent with this Act.

(d) DISCRETION OF THE SECRETARY.—The Secretary may execute any other amendment to the settlement agreement, including any amendment to any exhibit to the settlement agreement requiring the signature of the Secretary, that is not inconsistent with this Act if the amendment does not require congressional approval pursuant to the Trade and Intercourse Act (25 U.S.C. 177) or other applicable Federal law (including regulations).

SEC. 102. WATER RIGHTS.

(a) WATER RIGHTS TO BE HELD IN TRUST.—

(1) NAVAJO NATION WATER RIGHTS.—All water rights of the Navajo Nation for the Navajo Reservation and land held in trust by the United States for the Navajo Nation and allottees of the Navajo Nation and all Navajo Nation CAP water shall be held in trust by the United States for the benefit of the Navajo Nation and allottees of the Navajo Nation, respectively.

(2) HOPI TRIBE WATER RIGHTS.—All water rights of the Hopi Tribe for the Hopi Reservation and land held in trust by the United States for the Hopi Tribe and allottees of the Hopi Tribe shall be held in trust by the United States for the benefit of the Hopi Tribe and allottees of the Hopi Tribe, respectively.

(b) FORFEITURE AND ABANDONMENT.—Any water right held in trust by the United States under subsection (a) shall not be subject to loss by nonuse, forfeiture, abandonment, or any other provision of law.

(c) USE OF WATER DIVERTED FROM LCR WATERSHED.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Navajo Nation may—

(A) divert surface water or groundwater described in paragraph 4.0 of the settlement agreement; and

(B) subject to the condition that the water remain on the Navajo Reservation, move any water diverted under subparagraph (A) out of the LCR watershed for use by the Navajo Nation.

(2) EFFECT OF DIVERSION.—Any water diverted and moved out of the LCR watershed pursuant to paragraph (1)—

(A) shall be considered to be a part of the LCR; and

(B) shall not be considered to be part of, or charged against, the consumptive use apportionment made—

(i) to the State by article III(a)(1) of the Upper Basin Compact; or

(ii) to the upper basin by article III(a) of the Colorado River Compact.

(d) WATER RIGHTS OF ALLOTTEES.—

(1) NAVAJO RESERVATION ALLOTMENTS.—

(A) IN GENERAL.—The right of an allottee (and of the United States acting as trustee for an allottee), to use water on an allotment located on the Navajo Reservation shall be—

(i) satisfied solely from the water secured to the Navajo Nation (and to the United States acting as trustee for the Navajo Nation) by the LCR decree; and

(ii) subject to the terms of the LCR decree.

(B) ADMINISTRATION.—A right under subparagraph (A) shall be enforceable only pursuant to the Navajo Nation water code, which shall provide allottees a process to enforce such rights against the Navajo Nation.

(2) HOPI RESERVATION ALLOTMENTS.—

(A) IN GENERAL.—The right of an allottee (and of the United States acting as trustee for an allottee), to use water on an allotment located on the Hopi Reservation shall be—

(i) satisfied solely from the water secured to the Hopi Tribe (and to the United States

acting as trustee for the Hopi Tribe) by the LCR decree; and

(ii) subject to the terms of the LCR decree.

(B) ADMINISTRATION.—A right under subparagraph (A) shall be enforceable only pursuant to the Hopi Tribe water code, which shall provide allottees a process to enforce such rights against the Hopi Tribe.

(3) OFF-RESERVATION ALLOTMENTS.—The right of an allottee (and of the United States acting as trustee for an allottee), to use water on an allotment located off the Navajo and Hopi Reservations shall be as described in the abstracts attached to the settlement agreement as exhibit 4.7.3.

SEC. 103. AUTHORIZATION FOR CONSTRUCTION OF MUNICIPAL, DOMESTIC, COMMERCIAL, AND INDUSTRIAL WATER PROJECTS.

(a) NAVAJO GROUNDWATER PROJECTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner, shall plan, design, and construct the water diversion and delivery features of the Navajo Groundwater Projects.

(2) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency for any activity relating to the planning, design, and construction of the water diversion and delivery features of the Navajo Groundwater Projects.

(3) SCOPE.—

(A) IN GENERAL.—Subject to subparagraph (B), the scope of the planning, design, and construction activities for the Navajo Groundwater Projects shall be as generally described in the documents prepared by Brown & Caldwell entitled—

(i) ''Final Summary Report Leupp, Birdsprings, and Tolani Lake Water Distribution System Analysis (May 2008)'';

(ii) ''Final Summary Report Dilkon and Teestoh Water Distribution System Analysis (May 2008)'';

(iii) ''Raw Water Transmission Pipeline Alignment Alternative Evaluation Final Report (May 2008)''; and

(iv) ''Ganado C-Aquifer Project Report (October 2008)''.

(B) REVIEW.—

(i) IN GENERAL.—Before beginning construction activities for the Navajo Groundwater Projects, the Secretary shall—

(I) review the proposed designs of the Navajo Groundwater Projects; and

(II) carry out value engineering analyses of the proposed designs.

(ii) NEGOTIATIONS WITH THE NAVAJO NATION.—As necessary, the Secretary shall periodically negotiate and reach agreement with the Navajo Nation regarding any change to the proposed designs of the Navajo Groundwater Projects if, on the basis of the review under clause (i), the Secretary determines that a change is necessary—

(I) to meet applicable industry standards;

(II) to ensure the Navajo Groundwater Projects will be constructed for not more than the amount set forth in paragraph (4); and

(III) to improve the cost-effectiveness of the delivery of water.

(4) FUNDING.—

(A) IN GENERAL.—The total amount of obligations incurred by the Secretary in carrying out this subsection shall not exceed $199,000,000, except that the total amount of obligations shall be increased or decreased, as appropriate, based on ordinary fluctuations from May 1, 2011, in construction cost indices applicable to the types of construction involved in the planning, design, and construction of the Navajo Groundwater Projects.

(B) NO REIMBURSEMENT.—The Secretary shall not be reimbursed by any entity, including the Navajo Nation, for any amounts expended by the Secretary in carrying out this subsection.

(C) PROJECT EFFICIENCIES.—If the total cost of planning, design, and construction activities of the Navajo Groundwater Projects results in cost savings and is less than the amounts authorized to be obligated under this paragraph, the Secretary, at the request of the Navajo Nation, may—

(i) use those cost savings to carry out capital improvement projects associated with the Navajo Groundwater Projects; or

(ii) transfer those cost savings to the Navajo OM&R Trust Account.

(5) APPLICABILITY OF THE ISDEAA.—

(A) IN GENERAL.—At the request of the Navajo Nation and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall enter into 1 or more agreements with the Navajo Nation to carry out this subsection.

(B) ADMINISTRATION.—The Commissioner and the Navajo Nation shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation for an agreement entered into under subparagraph (A), subject to the condition that the total cost for the oversight shall not exceed 4.0 percent of the total costs of the Navajo Groundwater Projects.

(6) TITLE TO NAVAJO GROUNDWATER PROJECTS.—

(A) IN GENERAL.—The Secretary shall convey to the Navajo Nation title to each of the Navajo Groundwater Projects on the date on which the Secretary issues a notice of substantial completion that—

(i) the infrastructure constructed is capable of storing, diverting, treating, transmitting, and distributing a supply of water as generally set forth in the final project design described in paragraph (3); and

(ii) the Secretary has consulted with the Navajo Nation regarding the proposed finding that the respective Navajo Groundwater Project is substantially complete.

(B) LIMITATION ON LIABILITY.—Effective beginning on the date on which the Secretary transfers to the Navajo Nation title to the Leupp-Dilkon Groundwater Project or the Ganado Groundwater Project under subparagraph (A), the United States shall not be held liable by any court for damages arising out of any act, omission, or occurrence relating to the facilities transferred, other than damages caused by an intentional act or an act of negligence committed by the United States, or by employees or agents of the United States, prior to the date on which the Secretary transfers title to the Leupp-Dilkon Groundwater Project or the Ganado Groundwater Project to the Navajo Nation.

(C) OM&R OBLIGATION OF THE UNITED STATES AFTER CONVEYANCE.—The United States shall have no obligation to pay for the OM&R costs of the Navajo Groundwater Projects beginning on the date on which—

(i) title to the Navajo Groundwater Projects is transferred to the Navajo Nation; and

(ii) the amounts required to be deposited in the Navajo OM&R Trust Account pursuant to section 104(b) have been deposited in that account.

(7) TECHNICAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary shall provide technical assistance, including operation and management training, to the Navajo Nation to prepare the Navajo Nation for the operation of the Navajo Groundwater Projects.

(8) PROJECT MANAGEMENT COMMITTEE.—The Secretary shall facilitate the formation of a project management committee composed of representatives from the Bureau of Reclamation, the Bureau of Indian Affairs, and the Navajo Nation—

(A) to review cost factors and budgets for construction, operation, and maintenance activities for the Navajo Groundwater Projects;

(B) to improve management of inherently governmental functions through enhanced communication; and

(C) to seek additional ways to reduce overall costs for the Navajo Groundwater Projects.

(9) AUTHORIZATION TO CONSTRUCT.—

(A) IN GENERAL.—The Secretary is authorized to construct the Navajo Groundwater Projects beginning on the day after the date on which the Secretary publishes in the Federal Register the statement of findings under section 108(a).

(B) PRECONSTRUCTION ACTIVITIES.—Notwithstanding subparagraph (A), the Secretary is authorized to use amounts appropriated to the Navajo Groundwater Projects Account pursuant to section 104(a) to carry out prior to the LCR enforceability date preconstruction activities for the Navajo Groundwater Projects.

(b) HOPI GROUNDWATER PROJECT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner, shall plan, design, and construct the water diversion and delivery features of the Hopi Groundwater Project.

(2) LEAD AGENCY.—The Bureau of Reclamation shall serve as the lead agency for any activity relating to the planning, design, and construction of the water diversion and delivery features of the Hopi Groundwater Project.

(3) SCOPE.—

(A) IN GENERAL.—Subject to subparagraph (B), the scope of the planning, design, and construction activities for the Hopi Groundwater Project shall be as generally described in the document entitled ''Hopi Tribe 2012 Little Colorado River Adjudication Settlement Domestic, Commercial, Municipal and Industrial Water System Memorandum (February 2012)'' by Dowl HKM.

(B) REVIEW.—

(i) IN GENERAL.—Before beginning construction activities, the Secretary shall—

(I) review the proposed design of the Hopi Groundwater Project; and

(II) carry out value engineering analyses of the proposed design.

(ii) NEGOTIATIONS WITH THE HOPI TRIBE.—As necessary, the Secretary shall periodically negotiate and reach agreement with the Hopi Tribe regarding any change to the proposed design of the Hopi Groundwater Project if, on the basis of the review under clause (i), the Secretary determines that a change is necessary—

(I) to meet applicable industry standards;

(II) to ensure that the Hopi Groundwater Project will be constructed for not more than the amount set forth in paragraph (4); and

(III) to improve the cost-effectiveness of the delivery of water.

(4) FUNDING.—

(A) IN GENERAL.—The total amount of obligations incurred by the Secretary in carrying out this subsection shall not exceed $113,000,000, except that the total amount of obligations shall be increased or decreased, as appropriate, based on ordinary fluctuations from May 1, 2011, in construction cost indices applicable to the types of construction involved in the planning, design, and construction of the Hopi Groundwater Project.

(B) NO REIMBURSEMENT.—The Secretary shall not be reimbursed by any entity, including the Hopi Tribe, for any amounts expended by the Secretary in carrying out this subsection.

(C) PROJECT EFFICIENCIES.—If the total cost of planning, design, and construction activities of the Hopi Groundwater Project results in cost savings and is less than the amounts authorized to be obligated under this paragraph, the Secretary, at the request of the Hopi Tribe, may—

(i) use those cost savings to carry out capital improvement projects associated with the Hopi Groundwater Project; or

(ii) transfer those cost savings to the Hopi OM&R Trust Account.

(5) APPLICABILITY OF THE ISDEAA.—

(A) IN GENERAL.—At the request of the Hopi Tribe and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall enter into 1 or more agreements with the Hopi Tribe to carry out this subsection.

(B) ADMINISTRATION.—The Commissioner and the Hopi Tribe shall negotiate the cost of any oversight activity carried out by the Bureau of Reclamation for an agreement entered into under subparagraph (A), subject to the condition that the total cost for the oversight shall not exceed 4.0 percent of the total costs of the Hopi Groundwater Project.

(6) TITLE TO HOPI GROUNDWATER PROJECT.—

(A) IN GENERAL.—The Secretary shall convey to the Hopi Tribe title to the Hopi Groundwater Project on the date on which the Secretary issues a notice of substantial completion that—

(i) the infrastructure constructed is capable of storing, diverting, treating, transmitting, and distributing a supply of water as generally set forth in the final project design described in paragraph (3); and

(ii) the Secretary has consulted with the Hopi Tribe regarding the proposed finding that the Hopi Groundwater Project is substantially complete.

(B) LIMITATION ON LIABILITY.—Effective beginning on the date on which the Secretary transfers to the Hopi Tribe title to the Hopi Groundwater Project under subparagraph (A), the United States shall not be held liable by any court for damages arising out of any act, omission, or occurrence relating to the facilities transferred, other than damages caused by an intentional act or an act of negligence committed by the United States, or by employees or agents of the United States, prior to the date on which the Secretary transfers title to the Hopi Groundwater Project to the Hopi Tribe.

(C) OM&R OBLIGATION OF THE UNITED STATES AFTER CONVEYANCE.—The United States shall have no obligation to pay for the OM&R costs of the Hopi Groundwater Project beginning on the date on which—

(i) title to the Hopi Groundwater Project is transferred to the Hopi Tribe; and

(ii) the amounts required to be deposited in the Hopi OM&R Trust Account pursuant to section 104(d) have been deposited in that account.

(7) TECHNICAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary shall provide technical assistance, including operation and management training, to the Hopi Tribe to prepare the Hopi Tribe for the operation of the Hopi Groundwater Project.

(8) PROJECT MANAGEMENT COMMITTEE.—The Secretary shall facilitate the formation of a project management committee composed of representatives from the Bureau of Reclamation, the Bureau of Indian Affairs, and the Hopi Tribe—

(A) to review cost factors and budgets for construction, operation, and maintenance activities for the Hopi Groundwater Project;

(B) to improve management of inherently governmental activities through enhanced communication; and

(C) to seek additional ways to reduce overall costs for the Hopi Groundwater Project.

(9) AUTHORIZATION TO CONSTRUCT.—

(A) IN GENERAL.—The Secretary is authorized to construct the Hopi Groundwater Project beginning on the day after the date on which the Secretary publishes in the Federal Register the statement of findings under section 108(a).

(B) PRECONSTRUCTION ACTIVITIES.—Notwithstanding subparagraph (A), the Secretary is authorized to use amounts appropriated to the Hopi Groundwater Project Account pursuant to section 104(c) to carry out prior to the LCR enforceability date preconstruction activities for the Hopi Groundwater Project.

(c) N-AQUIFER MANAGEMENT PLAN.—

(1) IN GENERAL.—Prior to the LCR enforceability date, the Secretary, acting through the Director of the United States Geological Survey and in consultation with the Navajo Nation and the Hopi Tribe, is authorized to use amounts appropriated to the N-Aquifer Account pursuant to section 104(e) to conduct modeling and monitoring activities of the N-Aquifer as provided for in paragraph 6.2 of the settlement agreement.

(2) CONTINUING ASSISTANCE.—After the LCR enforceability date, the Secretary, in consultation with the Navajo Nation and the Hopi Tribe, is authorized to use amounts appropriated to the N-Aquifer Account pursuant to section 104(e) to assist the Navajo Nation and the Hopi Tribe in implementing the N-Aquifer Management Plan and the Pasture Canyon Springs Protection Program Account pursuant to section 104(f) to assist the Navajo Nation and the Hopi Tribe in implementing the Pasture Canyon Springs Protection Program, both as described in paragraph 6.2 of the settlement agreement.

(3) LIMITED LIABILITY.—The Secretary shall have no liability with respect to the management of the N-Aquifer, subject to the condition that the Secretary complies with the responsibilities of the Secretary, as set forth in the N-Aquifer Management Plan.

SEC. 104. FUNDING.

(a) NAVAJO GROUNDWATER PROJECTS ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States an account, to be known as the ''Navajo Groundwater Projects Account'', to be administered by the Secretary, consisting of the amounts deposited in the account under paragraph (2), together with any interest accrued by those amounts, for use by the Navajo Nation in constructing the Navajo Groundwater Projects.

(2) TRANSFERS TO ACCOUNT.—

(A) IN GENERAL.—Subject to subparagraph (C), there are authorized to be appropriated to the Secretary for deposit in the Navajo Groundwater Projects Account—

(i) $199,000,000, to remain available until expended; less

(ii) the amounts deposited in the account under subparagraph (B).

(B) TRANSFERS FROM OTHER SOURCES.—

(i) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—

(I) IN GENERAL.—The Secretary of the Treasury shall transfer, without further appropriation, $25,000,000 to the Navajo Groundwater Projects Account from the Future Indian Water Settlement Subaccount of the Lower Colorado River Basin Development Fund established pursuant to section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(2)(D)(vi)).

(II) AVAILABILITY.—The amounts transferred under subclause (I) shall not be available to the Secretary for expenditure until the date on which the Secretary publishes in the Federal Register the statement of findings under section 108(a).

(ii) RECLAMATION WATER SETTLEMENTS FUND.—

(I) IN GENERAL.—If amounts remain available for expenditure in the Reclamation Water Settlements Fund established by section 10501 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407), the Secretary of the Treasury shall transfer to the Navajo Groundwater Projects Account, without further appropriation, not more than $50,000,000.

(II) AVAILABILITY.—The amounts transferred under subclause (I) shall not be available to the Secretary for expenditure until the date on which the Secretary publishes in the Federal Register the statement of findings under section 108(a).

(iii) STATE CONTRIBUTION.—Pursuant to subparagraph 13.22 of the settlement agreement, the State shall transfer to the Navajo Groundwater Projects Account $1,000,000.

(C) FLUCTUATION IN DEVELOPMENT COSTS.—The amount authorized to be appropriated under subparagraph (A)(i) and deposited in the Navajo Groundwater Projects Account shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in development costs occurring after May 1, 2011, as indicated by engineering cost indices applicable to the type of construction involved, until the Secretary declares that the Navajo Groundwater Projects are substantially complete.

(3) MANAGEMENT OF ACCOUNT.—

(A) IN GENERAL.—The Secretary shall manage the Navajo Groundwater Projects Account in a manner that is consistent with—

(i) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(ii) this subsection.

(B) INVESTMENTS.—The Secretary shall invest amounts in the Navajo Groundwater Projects Account in accordance with—

(i) the Act of April 1, 1880 (25 U.S.C. 161);

(ii) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(iii) obligations of Federal corporations and Federal Government-sponsored entities, the charter documents of which provide that the obligations of the entities are lawful investments for federally managed funds, including—

(I) obligations of the United States Postal Service described in section 2005 of title 39, United States Code;

(II) bonds and other obligations of the Tennessee Valley Authority described in section 15d of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4);

(III) mortgages, obligations, or other securities of the Federal Home Loan Mortgage Corporation described in section 303 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452); and

(IV) bonds, notes, or debentures of the Commodity Credit Corporation described in section 4 of the Act of March 8, 1938 (15 U.S.C. 713a–4).

(C) CREDITS TO ACCOUNT.—The interest on, and the proceeds from, the sale or redemption of, any obligations held in the Navajo Groundwater Projects Account shall be credited to, and form a part of, the account.

(4) AVAILABILITY OF AMOUNTS AND INVESTMENT EARNINGS.—

(A) IN GENERAL.—Except as provided in section 103(a)(9), amounts appropriated to and deposited in the Navajo Groundwater Projects Account shall not be available to the Secretary for expenditure until the date on which the Secretary publishes in the Federal Register the statement of findings under section 108(a).

(B) INVESTMENT EARNINGS.—Investment earnings on amounts deposited in the Navajo Groundwater Projects Account under paragraph (3) shall not be available to the Secretary for expenditure until the date on

which the Secretary publishes in the Federal Register the statement of findings under section 108(a).

(b) NAVAJO OM&R TRUST ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust account, to be known as the ''Navajo OM&R Trust Account'', to be administered by the Secretary and to be available until expended, consisting of the amounts deposited in the account under paragraph (2), together with any interest accrued by those amounts, for the OM&R of the Navajo Groundwater Projects.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B) and in addition to any amounts transferred to the Navajo OM&R Trust Account pursuant to section 103(a)(4), there is authorized to be appropriated, deposited, and retained in the Navajo OM&R Trust Account, $23,000,000.

(B) FLUCTUATION IN COSTS.—The amount authorized to be appropriated under subparagraph (A) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after May 1, 2011, as indicated by applicable engineering cost indices.

(3) MANAGEMENT OF ACCOUNT.—

(A) IN GENERAL.—The Secretary shall manage the Navajo OM&R Trust Account in a manner that is consistent with—

(i) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(ii) this subsection.

(B) INVESTMENTS.—The Secretary shall invest amounts in the Navajo OM&R Trust Account in accordance with subsection (a)(3)(B).

(4) AVAILABILITY OF AMOUNTS.—Amounts appropriated to and deposited in the Navajo OM&R Trust Account, including any investment earnings, shall be made available to the Navajo Nation by the Secretary beginning on the date on which title to the Navajo Groundwater Projects is transferred to the Navajo Nation.

(c) HOPI GROUNDWATER PROJECT ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States an account, to be known as the ''Hopi Groundwater Project Account'', to be administered by the Secretary, and consisting of the amounts deposited in the account under paragraph (2), together with any interest accrued by those amounts, for use in constructing the Hopi Groundwater Project.

(2) TRANSFERS TO ACCOUNT.—

(A) IN GENERAL.—Subject to subparagraphs (C), there is authorized to be appropriated to the Secretary for deposit in the Hopi Groundwater Project Account—

(i) $113,000,000, to remain available until expended; less

(ii) the amounts deposited in the account under subparagraph (B).

(B) TRANSFERS FROM OTHER SOURCES.—

(i) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—

(I) IN GENERAL.—The Secretary of the Treasury shall transfer, without further appropriation, $25,000,000 to the Hopi Groundwater Project Account from the Future Indian Water Settlement Subaccount of the Lower Colorado River Basin Development Fund established pursuant to section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(2)(D)(vi)).

(II) AVAILABILITY.—The amounts transferred under subclause (I) shall not be available to the Secretary for expenditure until the date on which the Secretary publishes in the Federal Register the statement of findings under section 108(a).

(ii) STATE CONTRIBUTION.—Pursuant to subparagraph 13.22 of the settlement agreement, the State shall transfer to the Hopi Groundwater Project Account $1,000,000.

(C) FLUCTUATION IN DEVELOPMENT COSTS.—The amount authorized to be appropriated under subparagraph (A)(i) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in development costs occurring after May 1, 2011, as indicated by engineering cost indices applicable to the type of construction involved, until the Secretary declares that the Hopi Groundwater Project is substantially complete.

(3) MANAGEMENT OF ACCOUNT.—

(A) IN GENERAL.—The Secretary shall manage the Hopi Groundwater Project Account in a manner that is consistent with—

(i) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(ii) this subsection.

(B) INVESTMENTS.—The Secretary shall invest amounts in the Hopi Groundwater Project Account in accordance with subsection (a)(3)(B).

(C) CREDITS TO ACCOUNT.—The interest on, and the proceeds from, the sale or redemption of, any obligations held in the Hopi Groundwater Project Account shall be credited to, and form a part of, the account.

(4) AVAILABILITY OF AMOUNTS AND INVESTMENT EARNINGS.—

(A) IN GENERAL.—Except as provided in section 103(b)(9), amounts appropriated to and deposited in the Hopi Groundwater Project Account shall not be available to the Secretary for expenditure until the date on which the Secretary publishes findings under section 108(a).

(B) INVESTMENT EARNINGS.—Investment earnings on amounts deposited in the Hopi Groundwater Project Account under paragraph (3) shall not be available to the Secretary for expenditure until after the date on which the Secretary publishes in the Federal Register the statement of findings under section 108(a).

(d) HOPI OM&R TRUST ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust account, to be known as the ''Hopi OM&R Trust Account'', to be administered by the Secretary and to be available until expended, consisting of the amounts deposited in the account under paragraph (2), together with any interest accrued by those amounts, for the OM&R of the Hopi Groundwater Project.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B) and in addition to any amounts transferred to the Hopi OM&R Trust Account pursuant to section 103(b)(4), there is authorized to be appropriated, deposited, and retained in the Hopi OM&R Trust Account, $5,000,000.

(B) FLUCTUATION IN COSTS.—The amount authorized to be appropriated under subparagraph (A) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after May 1, 2011, as indicated by applicable engineering cost indices.

(3) MANAGEMENT OF ACCOUNT.—

(A) IN GENERAL.—The Secretary shall manage the Hopi OM&R Trust Account in a manner that is consistent with—

(i) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(ii) this subsection.

(B) INVESTMENTS.—The Secretary shall invest amounts in the Hopi OM&R Trust Account in accordance with subsection (a)(3)(B).

(4) AVAILABILITY OF AMOUNTS.—Amounts appropriated to and deposited in the Hopi OM&R Trust Account, including any investment earnings, shall be made available to the Hopi Tribe by the Secretary beginning on the date on which title to the Hopi Groundwater Project is transferred to the Hopi Tribe.

(e) N-AQUIFER ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States an account, to be known as the ''N-Aquifer Account'', to be administered by the Secretary and to be available until expended, consisting of the amounts deposited in the account under paragraph (2) to carry out activities relating to the N-Aquifer in accordance with section 103(c) and subparagraph 6.2 of the settlement agreement.

(2) AUTHORIZATION OF APPROPRIATIONS FOR N-AQUIFER MANAGEMENT PLAN.—

(A) IN GENERAL.—In addition to any amounts transferred to the Aquifer account pursuant to subsection (g), there is authorized to be appropriated, deposited, and retained to carry out section 103(c) and subparagraph 6.2 of the settlement agreement $5,000,000.

(B) FLUCTUATIONS IN COSTS.—The amount authorized to be appropriated under subparagraph (A) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after May 1, 2011, as indicated by applicable engineering cost indices.

(3) AVAILABILITY.—Amounts appropriated to and deposited in the N-Aquifer Account shall be made available by the Secretary prior to the LCR enforceability date to carry out the activities relating to the N-Aquifer management plan in accordance with section 103(c)(1) and subparagraph 6.2 of the settlement agreement.

(f) PASTURE CANYON SPRINGS PROTECTION PROGRAM ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust account, to be known as the ''Pasture Canyon Springs Protection Program Account'', to be administered by the Secretary and to be available until expended, consisting of the amounts deposited in the account under paragraph (2), together with any interest accrued by those amounts, to carry out activities relating to the Pasture Canyon Springs Protection Program in accordance with section 103(c) and subparagraph 6.2 of the settlement agreement.

(2) AUTHORIZATION OF APPROPRIATION FOR PASTURE CANYON SPRINGS PROTECTION PROGRAM.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out activities relating to the Pasture Canyon Springs Protection Program in accordance with section 103(c)(2) and to implement the Pasture Canyon Springs Protection Program provisions of subparagraph 6.2 of the settlement agreement $10,400,000.

(B) FLUCTUATIONS IN COSTS.—The amount authorized to be appropriated under subparagraph (A) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after May 1, 2011, as indicated by applicable engineering cost indices.

(3) MANAGEMENT OF ACCOUNT.—

(A) IN GENERAL.—The Secretary shall manage the Pasture Canyon Springs Protection Program Account in a manner that is consistent with—

(i) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(ii) this subsection.

(B) INVESTMENTS.—The Secretary shall invest amounts in the Pasture Canyon Springs Protection Program Account in accordance with subsection (a)(3)(B).

(4) AVAILABILITY.—Amounts made available under this subsection shall not be available to the Secretary for expenditure until the date on which the Secretary publishes in

the Federal Register the statement of findings under section 108(a).

(g) TRANSFER OF FUNDS.—

(1) NAVAJO NATION.—The Secretary may, upon request of the Navajo Nation, transfer amounts from an account established by subsections (a) and (b) to any other account established by this section.

(2) HOPI TRIBE.—The Secretary may, upon request of the Hopi Tribe, transfer amounts from an account established by subsections (c), (d), and (f) to any other account established by this section.

(3) AVAILABILITY.—

(A) IN GENERAL.—The Secretary shall not transfer amounts under this subsection until the day after the date on which the Secretary publishes in the Federal Register the statement of findings under section 108(a).

(B) AVAILABLE UNTIL EXPENDED.—Any amounts transferred under this subsection shall remain available until expended.

(h) OFFSET.—To the extent necessary, the Secretary shall offset any direct spending authorized and any interest earned on amounts expended pursuant to this section using such additional amounts as may be made available to the Secretary for the applicable fiscal year.

SEC. 105. WAIVERS, RELEASES, AND RETENTIONS OF CLAIMS.

(a) NAVAJO NATION WAIVERS, RELEASES, AND RETENTIONS OF CLAIMS.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Navajo Nation, on behalf of itself and the members of the Navajo Nation (but not members in their capacity as allottees), and the United States, acting as trustee for the Navajo Nation and the members of the Navajo Nation (but not members in their capacity as allottees), as part of the performance of the respective obligations of the Navajo Nation and the United States under the settlement agreement, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), the Hopi Tribe, or any other person, entity, corporation or municipal corporation under Federal, State or other law for all—

(i) past, present, and future claims for water rights for Navajo land and land of the Navajo Nation outside of the State, whether held in fee or held in trust by the United States on behalf of the Navajo Nation, arising from time immemorial and, thereafter, forever;

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land both within and outside of the State by the Navajo Nation, the members of the Navajo Nation, or their predecessors;

(iii) past and present claims for injury to water rights and injury to water quality for Navajo land and land of the Navajo Nation outside of the State, whether held in fee or held in trust by the United States on behalf of the Navajo Nation, arising from time immemorial through the LCR enforceability date;

(iv) past, present, and future claims for injury to water rights and injury to water quality arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land both within and outside of the State by the Navajo Nation, the members of the Navajo Nation, or their predecessors;

(v) claims for injury to water rights and injury to water quality arising after the LCR enforceability date for Navajo land and land of the Navajo Nation outside of the State, whether held in fee or held in trust by the United States on behalf of the Navajo Nation, resulting from the diversion or use of water in a manner not in violation of the settlement agreement; and

(vi) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the settlement agreement, an applicable settlement judgment or decree, or this Act.

(B) EFFECTIVE DATE.—The waiver and release of claims under subparagraph (A) shall be effective on the LCR enforceability date.

(C) RETENTION OF CLAIMS.—The Navajo Nation, on behalf of itself and the members of the Navajo Nation (but not members in their capacity as allottees), and the United States, acting as trustee for the Navajo Nation and the members of the Navajo Nation (but not members in their capacity as allottees), shall retain all rights not expressly waived under subparagraph (A), including any right—

(i) subject to subparagraph 13.14 of the settlement agreement—

(I) to assert claims of rights to upper basin water for Navajo land; and

(II) to assert claims of rights to upper basin water that are based on aboriginal occupancy of land within the upper basin by the Navajo Nation, the members of the Navajo Nation, or their predecessors;

(ii) subject to subparagraphs 6.3 and 13.8 of the settlement agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Navajo Nation under the settlement agreement or this Act, in any Federal or State court of competent jurisdiction;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Navajo Nation under the LCR decree;

(iv) to assert claims for injuries to, and seek enforcement of, the rights of the Navajo Nation under the Gila River Adjudication decree;

(v) to participate in the LCR adjudication to the extent provided in the settlement agreement;

(vi) to participate in the Gila River adjudication to the extent provided in subparagraphs 4.12, 4.13 and 4.14 of the settlement agreement;

(vii) except as provided in the settlement agreement, to object to any claims for water rights, injury to water rights, or injury to water quality by or for any Indian tribe or the United States on behalf of the Indian tribe;

(viii) except as provided in the settlement agreement, to assert past, present, or future claims for injury to water rights, injury to water quality, or any other claims other than a claim for water rights, against any Indian tribe or the United States on behalf of the Indian tribe;

(ix) to assert past, present, or future claims for rights to Lower Colorado River water, injury to rights to Lower Colorado River water, or injury to quality of Lower Colorado River water for Navajo land; and

(x) to assert past, present, or future claims for rights to Lower Colorado River water, injury to rights to Lower Colorado River water, or injury to quality of Lower Colorado River water that are based on aboriginal occupancy of land by the Navajo Nation, the members of the Navajo Nation, or their predecessors.

(2) CLAIMS AGAINST THE UNITED STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Navajo Nation, on behalf of itself and the members of the Navajo Nation (but not members in their capacity as allottees), as part of the performance of the obligations of the Navajo Nation under the settlement agreement, is authorized to execute a waiver and release of any claims against the United States (or agencies, officials, or employees of the United States) under Federal, State, or other law for all—

(i) past, present, and future claims for water rights for Navajo land and land of the Navajo Nation outside of the State, whether held in fee or held in trust by the United States on behalf of the Navajo Nation, arising from time immemorial and, thereafter, forever;

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land both within and outside of the State by the Navajo Nation, the members of the Navajo Nation, or their predecessors;

(iii) past and present claims for injury to water rights and injury to water quality for Navajo land and land of the Navajo Nation outside of the State, whether held in fee or held in trust by the United States on behalf of the Navajo Nation, arising from time immemorial through the LCR enforceability date;

(iv) past, present, and future claims for injury to water rights and injury to water quality arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land both within and outside of the State by the Navajo Nation, the members of the Navajo Nation, or their predecessors;

(v) claims for injury to water rights and injury to water quality arising after the LCR enforceability date for Navajo land and land of the Navajo Nation outside of the State, whether held in fee or held in trust by the United States on behalf of the Navajo Nation, resulting from the diversion or use of water in a manner not in violation of the settlement agreement;

(vi) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the settlement agreement, an applicable settlement judgment or decree, or this Act;

(vii) past, present, and future claims for failure to protect, acquire, or develop water rights for or on behalf of the Navajo Nation and the members of the Navajo Nation arising from time immemorial and, thereafter, forever;

(viii) past, present, and future claims relating to failure to assert any claims authorized to be waived under this subsection;

(ix) claims for the OM&R costs of the Navajo Groundwater Projects, which shall be effective on the date on which the Secretary transfers title to, and OM&R responsibility for, the Navajo Groundwater Projects to the Navajo Nation;

(x) claims in the case styled The Navajo Nation v. United States Department of the Interior, Case No. CV-03-057-PCT-PGR, pending in the United States District Court for the District of Arizona, including all claims based on the facts alleged in the complaint filed in the action, except any claim that is dismissed without prejudice pursuant to section 108(a)(14); and

(xi) past and present claims relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, or develop water, water rights, or water infrastructure) within the reservation and off-reservation trust land that first accrued at any time prior to the LCR enforceability date.

(B) EFFECTIVE DATE.—Except as provided in subparagraph (A)(ix), the waiver and release of claims under subparagraph (A) shall be effective on the LCR enforceability date.

(C) RETENTION OF CLAIMS.—The Navajo Nation and the members of the Navajo Nation

(but not members in their capacity as allottees) shall retain all rights not expressly waived in under subparagraph (A), including any right—

(i) subject to subparagraph 13.14 of the settlement agreement—

(I) to assert claims of rights to upper basin water for Navajo land; and

(II) to assert claims of rights to upper basin water that are based on aboriginal occupancy of land within the upper basin by the Navajo Nation, the members of the Navajo Nation, or their predecessors;

(ii) subject to subparagraph 13.8 of the settlement agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Navajo Nation under the settlement agreement or this Act in any Federal or State court of competent jurisdiction;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Navajo Nation under the LCR decree;

(iv) to assert claims for injuries to, and seek enforcement of, the rights of the Navajo Nation under the Gila River adjudication decree;

(v) to participate in the LCR adjudication to the extent provided in the settlement agreement;

(vi) to participate in the Gila River adjudication to the extent provided in subparagraphs 4.12, 4.13, and 4.14 of the settlement agreement;

(vii) except as provided in the settlement agreement, to object to any claims for water rights, injury to water rights, or injury to water quality by or for any Indian tribe or the United States on behalf of the Indian tribe;

(viii) except as provided in the settlement agreement, to assert past, present, or future claims for injury to water rights, injury to water quality, or any other claims other than a claim for water rights, against any Indian tribe or the United States on behalf of the Indian tribe;

(ix) to assert past, present, or future claims for rights to Lower Colorado River water, injury to rights to Lower Colorado River water, or injury to quality of Lower Colorado River water for Navajo land; and

(x) to assert past, present, or future claims for rights to Lower Colorado River water, injury to rights to Lower Colorado River water, or injury to quality of Lower Colorado River water that are based on aboriginal occupancy of land by the Navajo Nation, the members of the Navajo Nation, or their predecessors.

(b) HOPI TRIBE WAIVERS, RELEASES, AND RETENTIONS OF CLAIMS.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Hopi Tribe, on behalf of itself and the members of the Hopi Tribe (but not members in their capacity as allottees), and the United States, acting as trustee for the Hopi Tribe and the members of the Hopi Tribe (but not members in their capacity as allottees), as part of the performance of the respective obligations of the Hopi Tribe and the United States under the settlement agreement, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), the Navajo Nation, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law for all—

(i) past, present, and future claims for water rights for Hopi land arising from time immemorial and, thereafter, forever;

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Hopi Tribe, the members of the Hopi Tribe, or their predecessors;

(iii) past and present claims for injury to water rights and injury to water quality for Hopi land arising from time immemorial through the LCR enforceability date;

(iv) past, present, and future claims for injury to water rights and injury to water quality arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Hopi Tribe, the members of the Hopi Tribe, or their predecessors;

(v) claims for injury to water rights and injury to water quality arising after the LCR enforceability date for Hopi land resulting from the diversion or use of water in a manner not in violation of the settlement agreement; and

(vi) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the settlement agreement, an applicable settlement judgment or decree, or this Act.

(B) EFFECTIVE DATE.—The waiver and release of claims under subparagraph (A) shall be effective on the LCR enforceability date.

(C) RETENTION OF CLAIMS.—The Hopi Tribe on behalf of itself and the members of the Hopi Tribe (but not members in their capacity as allottees), and the United States, acting as trustee for the Hopi Tribe and the members of the Hopi Tribe (but not members in their capacity as allottees), shall retain all rights not expressly waived under subparagraph (A), including any right—

(i) to assert claims for injuries to, and seek enforcement of, the rights of the Hopi Tribe under the Norviel Decree, as set forth in the abstracts required pursuant to subparagraph 5.4.1 of the settlement agreement;

(ii) subject to subparagraphs 6.3 and 13.8 of the settlement agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Hopi Tribe under the settlement agreement or this Act, in any Federal or State court of competent jurisdiction;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Hopi Tribe under the LCR decree;

(iv) to participate in the LCR adjudication to the extent provided in the settlement agreement;

(v) except as provided in the settlement agreement, to object to any claims for water rights, injury to water rights, or injury to water quality by or for any Indian tribe or the United States on behalf of the Indian tribe;

(vi) except as provided in the settlement agreement, to assert past, present, or future claims for injury to water rights, injury to water quality, or any other claims other than a claim for water rights, against any Indian tribe or the United States on behalf of the Indian tribe;

(vii) to assert past, present, or future claims for rights to Lower Colorado River water, injury to rights to Lower Colorado River water, or injury to quality of Lower Colorado River water for Hopi land; and

(viii) to assert past, present, or future claims for rights to Lower Colorado River water, injury to rights to Lower Colorado River water, or injury to quality of Lower Colorado River water that are based on aboriginal occupancy of land by the Hopi Tribe, the members of the Hopi Tribe, or their predecessors.

(2) CLAIMS AGAINST THE UNITED STATES.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the Hopi Tribe, on behalf of itself and the members of the Hopi Tribe (but not members in their capacity as allottees), as part of the performance of the obligations of the Hopi Tribe under the settlement agreement, is authorized to execute a waiver and release of any claims against the United States (or agencies, officials, or employees of the United States) under Federal, State, or other law for all—

(i) past, present, and future claims for water rights for Hopi land arising from time immemorial and, thereafter, forever;

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Hopi Tribe, the members of the Hopi Tribe, or their predecessors;

(iii) past and present claims for injury to water rights and injury to water quality for Hopi land arising from time immemorial through the LCR enforceability date;

(iv) past, present, and future claims for injury to water rights and injury to water quality arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Hopi Tribe, the members of the Hopi Tribe, or their predecessors;

(v) claims for injury to water rights and injury to water quality arising after the LCR enforceability date for Hopi land resulting from the diversion or use of water in a manner not in violation of the settlement agreement;

(vi) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the settlement agreement, an applicable settlement judgment or decree, or this Act;

(vii) past, present, and future claims for failure to protect, acquire, or develop water rights for or on behalf of the Hopi Tribe and the members of the Hopi Tribe arising from time immemorial and, thereafter, forever;

(viii) past, present, and future claims relating to failure to assert any claims authorized to be waived under this subsection;

(ix) claims for the OM&R costs of the Hopi Groundwater Project, which shall become effective on the date on which the Secretary transfers title to, and OM&R responsibility for, the Hopi Groundwater Project to the Hopi Tribe; and

(x) past and present claims relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, or develop water, water rights, or water infrastructure) within the reservation and off-reservation trust land that first accrued at any time prior to the LCR enforceability date.

(B) EFFECTIVE DATE.—Except as provided in subparagraph (A)(ix), the waiver and release of claims under subparagraph (A) shall be effective on the LCR enforceability date.

(C) RETENTION OF CLAIMS.—The Hopi Tribe on behalf of itself and the members of the Hopi Tribe (but not members in their capacity as allottees) shall retain all rights not expressly waived under subparagraph (A), including any right—

(i) to assert claims for injuries to, and seek enforcement of, the rights of the Hopi Tribe under the Norviel Decree, as set forth in the abstracts required pursuant to subparagraph 5.4.1 of the settlement agreement;

(ii) subject to subparagraph 13.8 of the settlement agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Hopi Tribe under the settlement agreement or this Act, in any Federal or State court of competent jurisdiction;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Hopi Tribe under the LCR decree;

(iv) to participate in the LCR adjudication to the extent provided in the settlement agreement;

(v) except as provided in the settlement agreement, to object to any claims for water rights, injury to water rights, or injury to water quality by or for any Indian tribe or the United States on behalf of the Indian tribe other than the Navajo Nation and the Hopi Tribe;

(vi) except as provided in the settlement agreement, to assert past, present, or future claims for injury to water rights, injury to water quality, or any other claims other than a claim for water rights, against any Indian tribe or the United States on behalf of the Indian tribe other than the Navajo Nation and the Hopi Tribe;

(vii) to assert past, present, or future claims for rights to Lower Colorado River water, injury to rights to Lower Colorado River water, or injury to quality of Lower Colorado River water for Hopi land; and

(viii) to assert past, present, or future claims for rights to Lower Colorado River water, injury to rights to Lower Colorado River water, or injury to quality of Lower Colorado River water that are based on aboriginal occupancy of land by the Hopi Tribe, the members of the Hopi Tribe, or their predecessors.

(c) WAIVERS AND RELEASES OF CLAIMS BY THE UNITED STATES.—

(1) ACTING AS TRUSTEE FOR ALLOTTEES.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the United States, acting as trustee for allottees of the Navajo Nation and Hopi Tribe, as part of the performance of the obligations of the United States under the settlement agreement, is authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), the Navajo Nation, the Hopi Tribe, or any other person, entity, corporation, or municipal corporation under Federal, State, or other law, for all—

(i) past, present, and future claims for water rights for allotments arising from time immemorial, and, thereafter, forever;

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by allottees or their predecessors;

(iii) past and present claims for injury to water rights and injury to water quality for allotments arising from time immemorial through the LCR enforceability date;

(iv) past, present, and future claims for injury to water rights and injury to water quality, if any, arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by allottees or their predecessors;

(v) claims for injury to water rights and injury to water quality arising after the LCR enforceability date for allotments resulting from the diversion or use of water in a manner not in violation of the settlement agreement; and

(vi) past, present, and future claims arising out of, or relating in any manner to, the negotiation, execution, or adoption of the settlement agreement, an applicable settlement judgment or decree, or this Act.

(B) EFFECTIVE DATE.—The waiver and release of claims under subparagraph (A) shall be effective on the LCR enforceability date.

(C) RETENTION OF CLAIMS.—The United States, acting as trustee for allottees of the Navajo Nation and Hopi Tribe, shall retain all rights not expressly waived under subparagraph (A), including any right—

(i) subject to subparagraph 13.14 of the settlement agreement—

(I) to assert claims of rights to upper basin water, if any, for allotments; and

(II) to assert claims of rights to upper basin water that are based on aboriginal occupancy of land within the upper basin in the State by allottees or their predecessors;

(ii) subject to subparagraph 13.8 of the settlement agreement, to assert claims for injuries to, and seek enforcement of, the rights of allottees, if any, under the settlement agreement or this Act, in any Federal or State court of competent jurisdiction;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of allottees, if any, under the LCR decree;

(iv) to participate in the LCR adjudication to the extent provided in the settlement agreement;

(v) except as provided in the settlement agreement, to object to any claims for water rights, injury to water rights, or injury to water quality by or for any Indian tribe;

(vi) except as provided in the settlement agreement, to assert past, present, or future claims for injury to water rights, injury to water quality, or any other claims other than a claim for water rights, against any Indian tribe;

(vii) to assert past, present, or future claims for rights to Lower Colorado River water, injury to rights to Lower Colorado River water, or injury to quality of Lower Colorado River water for allotments; and

(viii) to assert past, present, or future claims for rights to Lower Colorado River water, injury to rights to Lower Colorado River water, or injury to quality of Lower Colorado River water that are based on aboriginal occupancy of land by allottees or their predecessors.

(2) WAIVER AND RELEASE OF CLAIMS BY THE UNITED STATES AGAINST THE NAVAJO NATION AND THE HOPI TRIBE.—

(A) IN GENERAL.—Except as provided subparagraph (C), the United States, except when acting as trustee for an Indian tribe other than the Navajo Nation or the Hopi Tribe, as part of the performance of the obligations of the United States under the settlement agreement, is authorized to execute a waiver and release of any and all claims of the United States against the Navajo Nation and the Hopi Tribe, including any agency, official, or employee of the Navajo Nation or the Hopi Tribe, under Federal, State, or any other law for all—

(i) past, present, and future claims arising out of, or relating in any manner to, the negotiation or execution of the settlement agreement or this Act;

(ii) past and present claims for injury to water rights and injury to water quality resulting from the diversion or use of water on Navajo land and Hopi land arising from time immemorial through the LCR enforceability date; and

(iii) claims for injury to water rights and injury to water quality arising after the LCR enforceability date resulting from the diversion or use of water on Navajo land and Hopi land in a manner not in violation of the settlement agreement.

(B) EFFECTIVE DATE.—The waiver and release of claims under subparagraph (A) shall be effective on the LCR enforceability date.

(C) RETENTION OF CLAIMS.—The United States shall retain all rights not expressly waived under subparagraph (A), including—

(i) subject to subparagraph 13.8 of the settlement agreement, to assert claims for injuries to, and seek enforcement of, the settlement agreement or this Act, in any Federal or State court of competent jurisdiction;

(ii) to enforce the Gila River adjudication decree; and

(iii) to enforce the LCR decree.

SEC. 106. SATISFACTION OF WATER RIGHTS AND OTHER BENEFITS.

(a) NAVAJO NATION.—

(1) IN GENERAL.—Except as provided in the settlement agreement, the benefits realized by the Navajo Nation under the settlement agreement and this Act shall be in complete and full satisfaction of all claims of the Navajo Nation and the members of the Navajo Nation, and the United States, acting as trustee for the Navajo Nation and the members of the Navajo Nation, for water rights, injury to water rights, and injury to water quality, under Federal, State, or other law with respect to Navajo land.

(2) SOURCE.—Any entitlement to water of the Navajo Nation and the members of the Navajo Nation, or the United States, acting as trustee for the Navajo Nation and the members of the Navajo Nation, for Navajo land shall be satisfied out of the water resources and other benefits granted, confirmed, or recognized to or for the Navajo Nation, and the United States, acting as trustee for the Navajo Nation, by the settlement agreement, the LCR decree, the Navajo Nation water delivery contract, and this Act.

(3) EFFECT.—Notwithstanding paragraph (2), nothing in the settlement agreement or this Act has the effect of recognizing or establishing any right of a member of the Navajo Nation to water on Navajo land.

(b) HOPI TRIBE.—

(1) IN GENERAL.—Except as provided in the settlement agreement, the benefits realized by the Hopi Tribe under the settlement agreement and this Act shall be in complete and full satisfaction of all claims of the Hopi Tribe and the members of the Hopi Tribe, and the United States, acting as trustee for the Hopi Tribe and the members of the Hopi Tribe, for water rights, injury to water rights, and injury to water quality under Federal, State, or other law with respect to Hopi land.

(2) SOURCE.—Any entitlement to water of the Hopi Tribe and the members of the Hopi Tribe, or the United States, acting as trustee for the Hopi Tribe and the members of the Hopi Tribe, for Hopi land shall be satisfied out of the water resources and other benefits granted, confirmed, or recognized to or for the Hopi Tribe, and the United States, acting as trustee for the Hopi Tribe, by the settlement agreement, the LCR decree, and this Act.

(3) EFFECT.—Notwithstanding paragraph (2), nothing in the settlement agreement or this Act has the effect of recognizing or establishing any right of a member of the Hopi Tribe to water on Hopi land.

(c) ALLOTTEES WATER CLAIMS.—

(1) IN GENERAL.—Except as provided in the settlement agreement, the benefits realized by allottees under the settlement agreement and this Act shall be in complete replacement of and substitution for, and full satisfaction of, all claims of allottees, and the United States, acting as trustee for allottees, for water rights, injury to water rights, and injury to water quality under Federal, State, or other law with respect to allotments.

(2) SOURCE.—Except as provided in exhibit 4.7.3 of the settlement agreement, any entitlement to water of allottees, or the United States, acting as trustee for allottees, for allotments shall be satisfied out of the water resources and other benefits granted, confirmed, or recognized to or for the Navajo Nation, the Hopi Tribe, and the United States, acting as trustee for the Navajo Nation, the Hopi Tribe, and allottees, by the settlement agreement, the LCR decree, and this Act.

(d) EXCEPTIONS.—Except as provided in section 105, nothing in this Act affects any right to water of any member of the Navajo Nation, the Hopi Tribe, or any allottee for land outside of Navajo land, Hopi land, or allotments.

(e) NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT OF 1996.—

(1) WATER RIGHTS.—Except as expressly provided in the settlement agreement, the water rights of the Hopi Tribe on land acquired pursuant to the Navajo-Hopi Land Dispute Settlement Act of 1996 (25 U.S.C. 640d note; Public Law 104–301), and the rights of the Hopi Tribe to object to surface water and groundwater uses on the basis of water rights associated with that land, shall be governed by that Act.

(2) AMENDMENT.—Section 12 of the Navajo-Hopi Land Dispute Settlement Act of 1996 (25 U.S.C. 640d note; Public Law 104–301) is amended—

(A) in subsection (a)(1)(C), by striking ''beneficial use'' and inserting ''beneficial use of surface water''; and

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

''(e) PROHIBITION.—

''(1) IN GENERAL.—Subject to paragraph (2), water rights for newly acquired trust land shall not be used, leased, sold, or transported for use off of that land or the other trust land of the Tribe, except that the Tribe may agree with other persons having junior water rights to subordinate the senior water rights of the Tribe.

''(2) RESTRICTIONS.—

''(A) IN GENERAL.—Water rights for newly acquired trust land shall only be used on that land or other trust land of the Tribe that is located within the same river basin tributary as the main stream of the Colorado River.

''(B) TEMPORARY TRANSFER FOR USE OFF-RESERVATION.—Notwithstanding any other provision of statutory or common law or subparagraph (A) and in accordance with subparagraphs (C) through (J), on approval of the Secretary, the Hopi Tribe may enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of not more than 10,000 acre-feet per year of groundwater from newly acquired trust land that is located within 20 miles of the municipal boundaries of Winslow, Arizona, but is not within the Protection Areas (as that term is described in paragraph 3.1.119 of the Navajo-Hopi Little Colorado River Water Rights Settlement Agreement) for use at—

''(i) Hopi fee land that is located within 5 miles of the municipal boundaries of Winslow, Arizona; and

''(ii) the City of Winslow, Arizona, for municipal use by the City of Winslow and the residents of that city, with the consent of the Hopi Tribe, as provided in paragraph 5.3 and exhibit 5.3 of the Navajo-Hopi Little Colorado River Water Rights Settlement Agreement.

''(C) MAXIMUM TERM.—

''(i) IN GENERAL.—The maximum term of any service contract, lease, exchange, or other agreement under subparagraph (B) (including all renewals of such an agreement) shall not exceed 99 years in duration.

''(ii) ALIENATION.—The Hopi Tribe shall not permanently alienate any groundwater transported off of newly acquired trust land pursuant to subparagraph (B).

''(D) WEED AND DUST CONTROL.—The Tribe shall maintain newly acquired trust land from which groundwater is or will be transported pursuant to subparagraph (B) free of noxious weeds and blowing dust that creates a threat to health or safety consistent with section 45-546 of the Arizona Revised Statutes.

''(E) DAMAGE TO SURROUNDING LAND OR OTHER WATER USERS.—

''(i) DAMAGES.—Any transportation of groundwater off of newly acquired trust land pursuant to subsection (B) shall be subject to payment of damages to the extent the groundwater withdrawals unreasonably increase damage to surrounding land or other water users from the concentration of wells.

''(ii) NO PRESUMPTION OF DAMAGE.—Neither injury to nor impairment of the water supply of any landowner shall be presumed from the fact of transportation of groundwater off of newly acquired trust land pursuant to subparagraph (B).

''(iii) MITIGATION.—In determining whether there has been injury and the extent of any injury, the court shall consider all acts of the person transporting groundwater toward the mitigation of injury, including the retirement of land from irrigation, discontinuance of other preexisting uses of groundwater, water conservation techniques, and procurement of additional sources of water that benefit the sub-basin or landowners within the sub-basin.

''(iv) COURT FEES.—The court may award reasonable attorney fees, expert witness expenses and fees, and court costs to the prevailing party in litigation seeking damages for transporting groundwater off of newly acquired trust land pursuant to subparagraph (B).

''(F) NO OBLIGATION.—The United States (in any capacity) shall have no trust or other obligation to monitor, administer, or account for, in any manner, groundwater delivered pursuant to subparagraph (B).

''(G) LIABILITY.—The Secretary shall not be liable to the Hopi Tribe, the City of Winslow, Arizona, or any other person for any loss or other detriment resulting from an agreement entered into pursuant to subparagraph (B).

''(H) APPLICABLE LAW.—

''(i) STATE LAW.—Any transportation or use of groundwater off of the newly acquired trust land pursuant subparagraph (B) shall be subject to and consistent with all laws (including regulations) of the State that apply to the transportation and use of water, including all applicable permitting and reporting requirements.

''(ii) PURCHASES OR GRANTS OF LANDS FROM INDIANS.—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any groundwater transported off of newly acquired trust land pursuant to subparagraph (B).

''(I) APPROVAL OF SECRETARY.—The Secretary shall approve or disapprove any service contract, lease, exchange, or other agreement under subparagraph (B) submitted by the Hopi Tribe for approval within a reasonable period of time after submission, except that approval by the Secretary shall not be required for any groundwater lease under subparagraph (B) for less than 10 acre-feet per year with a term of less than 7 years, including renewals.

''(J) NO FORFEITURE OR ABANDONMENT.—The nonuse of groundwater of the Hopi Tribe from the newly acquired trust land pursuant to subparagraph (B) shall not result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of applicable rights.''.

SEC. 107. AFTER-ACQUIRED TRUST LAND.

(a) REQUIREMENT OF ACT OF CONGRESS.—Except as provided in section 11 of Public Law 93–531 (25 U.S.C. 640d-10) and the Navajo-Hopi Land Dispute Settlement Act of 1996 (25 U.S.C. 640d note; Public Law 104–301), the Navajo Nation or the Hopi Tribe may only seek to have legal title to additional land in the State, located outside the exterior boundaries of the land that is, on the date of enactment of this Act, in reservation status or held in trust for the benefit of the Navajo Nation or the Hopi Tribe, taken into trust by the United States for the benefit of the Navajo Nation or the Hopi Tribe, respectively, pursuant to an Act of Congress enacted after the date of enactment of this Act.

(b) WATER RIGHTS.—Any land taken into trust for the benefit of the Navajo Nation or the Hopi Tribe after the date of the enactment of this Act shall have only those rights to water provided under the settlement agreement, the Navajo-Hopi Land Dispute Settlement Act of 1996 (25 U.S.C. 640d note; Public Law 104–301), and this Act, unless provided otherwise in a subsequent Act of Congress, as provided in subsection (a).

(c) ACCEPTANCE OF LAND IN TRUST STATUS.—

(1) MANDATORY TRUST ACQUISITION.—Notwithstanding subsections (a) and (b), if the Navajo Nation or Hopi Tribe acquires legal fee title to land that is located within the exterior boundaries of the Navajo Reservation or the Hopi Reservation, respectively, upon application by the Navajo Nation or the Hopi Tribe to take the land into trust, the Secretary shall accept the land into trust status for the benefit of the Navajo Nation or Hopi Tribe in accordance with applicable Federal law (including regulations).

(2) RESERVATION STATUS.—Land taken or held in trust by the Secretary under paragraph (1) shall be part of the Navajo Reservation or the Hopi Reservation, respectively.

SEC. 108. ENFORCEABILITY DATE.

(a) LITTLE COLORADO RIVER AND GILA RIVER WAIVERS.—The waivers and releases of claims described in section 105 shall take effect and be fully enforceable, and construction of the Navajo Groundwater Projects and the Hopi Groundwater Project may begin, on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) to the extent that the settlement agreement conflicts with this Act, the settlement agreement has been revised through an amendment to eliminate the conflict and the revised settlement agreement has been executed by the Secretary, the Navajo Nation, the Hopi Tribe, the Governor of Arizona, and not less than 19 other parties;

(2) the waivers and releases of claims described in section 105 have been executed by the Navajo Nation, the Hopi Tribe, and the United States;

(3) the State contributions described in subsections (a)(2)(B)(iii) and (c)(2)(B)(ii) of section 104 have been made;

(4) the full amount described in section 104(a)(2)(A)(i), as adjusted by section 104(a)(2)(C), has been deposited in the Navajo Groundwater Projects Account;

(5) the full amount described in section 104(b)(2) has been deposited in the Navajo OM&R Trust Account;

(6) the full amount described in section 104(c)(2)(A)(i), as adjusted by section 104(c)(2)(C), has been deposited in the Hopi Groundwater Project Account;

(7) the full amount described in section 104(d)(2) has been deposited in the Hopi OM&R Trust Account;

(8) the full amount described in section 104(e)(2)(A), as adjusted by section 104(e)(2)(B), has been deposited in the N-Aquifer Account and is available for use to implement the N-Aquifer Management Plan;

(9) the full amount described in section 104(f)(2)(A), as adjusted by section 104(f)(2)(B), has been deposited in the Pasture Canyon Springs Protection Program Account and is available for use to implement the Pasture Canyon Springs Protection Program;

(10) the judgments and decrees in the LCR adjudication and the Gila River adjudication have been approved by the LCR adjudication court and the Gila River adjudication court substantially in the form of the judgments and decrees attached to the settlement agreement as exhibits 3.1.70 and 3.1.49, respectively;

(11) a law has been enacted by the State substantially in the form of a State implementing law attached to the settlement agreement as exhibit 3.1.128 and the law remains effective;

(12) the provisions of section 45-544 of the Arizona Revised Statutes restricting the transporting of groundwater from the Little Colorado River Plateau Groundwater Basin are in effect;

(13) the Secretary has completed a record of decision approving construction of—

(A) the Navajo Groundwater Projects in a configuration substantially similar to the configuration described in section 103(a); and

(B) the Hopi Groundwater Project, in a configuration substantially similar to the configuration described in section 103(b); and

(14) the Navajo Nation has moved for the dismissal with prejudice of the first, second, third, fourth, and fifth claims for relief contained in the complaint for declaratory and injunctive relief filed by the Navajo Nation on March 14, 2003, in the United States District Court for the District of Arizona, as part of the case styled The Navajo Nation v. United States Department of the Interior (No. CV-03-0507-PCT-PGR), and has moved for the dismissal without prejudice of sixth claim for relief contained in the complaint, substantially in the form of the dismissal attached to the settlement agreement as exhibit 11.9.

(b) FAILURE OF THE LITTLE COLORADO RIVER WAIVERS.—

(1) IN GENERAL.—If the Secretary does not publish in the Federal Register a statement of findings under subsection (a) by October 31, 2022, this Act is repealed and any amounts—

(A) appropriated under section 104, together with any investment earnings on those amounts, less any amounts expended under subsections (a)(9), (b)(9), and (c)(1) of section 103, shall revert immediately to the general fund of the Treasury;

(B) transferred pursuant to subsections (a)(2)(B)(i) and (c)(2)(B)(i) of section 104 to the Navajo Groundwater Projects Account and the Hopi Groundwater Project Account from the Future Indian Water Settlement Subaccount of the Lower Colorado River Basin Development Fund established pursuant to section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(2)(D)(vi)), together with any investment earnings on those amounts, shall be returned immediately to the Future Indian Water Settlement Subaccount of the Lower Colorado River Basin Development Fund;

(C) transferred pursuant to section 104(a)(2)(B)(ii) to the Navajo Groundwater Projects Account from the Reclamation Water Settlements Fund established by section 10501 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407), together with any investment earnings on those amounts, shall be returned immediately to the Reclamation Water Settlements Fund; and

(D) transferred pursuant to subsections (a)(2)(B)(iii) and (c)(2)(B)(ii) of section 104 to the Navajo Groundwater Projects Account and the Hopi Groundwater Project Account, together with any investment earnings on those amounts, shall be returned immediately to the State.

(2) SEVERABILITY.—Notwithstanding paragraph (1), if the Secretary does not publish in the Federal Register a statement of findings under subsection (a) by October 31, 2022, the designation under section 109(g) and the provisions of sections 205(a)(1), 205(a)(2)(B), 205(a)(3), 205(a)(4), 205(a)(5), and 206 shall remain in effect.

(c) RIGHT TO OFFSET.—

(1) NAVAJO NATION.—If the Secretary has not published in the Federal Register the statement of findings under subsection (a) by October 31, 2022, the United States shall be entitled to offset any Federal amounts made available under subsections (a)(9) and (c)(1) of section 103 that were used or authorized for any use under those subsections against any claim asserted by the Navajo Nation against the United States described in section 105(a)(2)(A).

(2) HOPI TRIBE.—If the Secretary has not published in the Federal Register the statement of finding under subsection (a) by October 31, 2022, the United States shall be entitled to offset any Federal amounts made available under subsections (b)(9) and (c)(1) of section 103 that were used or authorized for any use under those subsections against any claim asserted by the Hopi Tribe against the United States described in section 105(b)(2)(A).

SEC. 109. ADMINISTRATION.

(a) SOVEREIGN IMMUNITY.—If any party to the settlement agreement brings an action in any court of the United States or any State court relating only and directly to the interpretation or enforcement of this Act or the settlement agreement and names the United States, the Navajo Nation, or the Hopi Tribe as a party, or if any other landowner or water user in the Gila River or LCR basins in the State files a lawsuit relating only and directly to the interpretation or enforcement of paragraph 11.0 of the settlement agreement or section 105 of this Act, naming the United States, or the Navajo Nation or the Hopi Tribe as a party—

(1) the United States, the Navajo Nation, or the Hopi Tribe may be joined in the action; and

(2) any claim by the United States, the Navajo Nation, or the Hopi Tribe to sovereign immunity from the action is waived, but only for the limited and sole purpose of the interpretation or enforcement of this Act or the settlement agreement.

(b) NO QUANTIFICATION OR EFFECT ON RIGHTS OF OTHER INDIAN TRIBES OR THE UNITED STATES ON BEHALF OF OTHER INDIAN TRIBES.—

(1) IN GENERAL.—Except as provided in paragraph 7.2 of the settlement agreement or in paragraph (2), nothing in this Act—

(A) shall be construed to quantify or otherwise affect the water rights, claims, or entitlements to water of any Indian tribe, nation, band, or community, including the San Juan Southern Paiute Tribe, other than the Hopi Tribe and the Navajo Nation; or

(B) shall affect the ability of the United States to take action on behalf of any Indian tribe, nation, band, or community, including the San Juan Southern Paiute Tribe, other than the Hopi Tribe, members of the Hopi Tribe, allottees of the Hopi Tribe, the Navajo Nation, members of the Navajo Nation, and allottees of the Navajo Nation.

(c) ANTIDEFICIENCY.—

(1) IN GENERAL.—The expenditure or advance of any money or the performance of any obligation by the United States, in any capacity, under this Act shall be contingent on the appropriation of funds.

(2) LIABILITY.—The United States shall not be liable for the failure to carry out any obligation or activity authorized under this Act (including any obligation or activity under this Act) if Congress does not provide adequate appropriations expressly to carry out the purposes of this Act.

(d) RECLAMATION REFORM ACT.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) and any other acreage limitation or full-cost pricing provision of Federal law shall not apply to any person, entity, or tract of land solely on the basis of—

(1) receipt of any benefit under this Act;

(2) execution or performance of this Act; or

(3) the use, storage, delivery, lease, or exchange of CAP water.

(e) DISMISSAL OF PENDING NAVAJO NATION COURT CASE.—Not later than 30 days after the date on which the settlement agreement is executed by the United States, the Navajo Nation shall execute and file a stipulation and proposed order, substantially in the form attached to the settlement agreement as exhibit 11.9 for—

(1) the dismissal with prejudice of the first, second, third, fourth, and fifth claims for relief contained in the complaint for declaratory and injunctive relief in the case styled Navajo Nation v. United States Department of the Interior, No. CV-03-0507-PCT-PGR (D. Ariz. March 14, 2003); and

(2) the dismissal without prejudice of the sixth claim for relief contained in the complaint described in paragraph (1).

(f) TOLLING OF STATUTES OF LIMITATIONS.—Any statute of limitations that may otherwise apply to, limit, or bar the sixth claim for relief described in subsection (e)(2) shall be tolled as follows:

(1) If a settlement of the claims by the Navajo Nation to Lower Colorado River water has been approved by an Act of Congress enacted on or before December 15, 2022, then any statute of limitations that may otherwise apply to, limit, or bar the sixth claim for relief shall be tolled until the Navajo Nation waives the claims to Lower Colorado River water under the Act of Congress.

(2) If a settlement of the claims of the Navajo Nation to Lower Colorado River water has not been approved by An act of Congress on or before December 15, 2022, then any statute of limitations that may otherwise apply to, limit, or bar the sixth claim for relief shall be tolled until December 15, 2022.

(g) PETE SHUMWAY DAM & RESERVOIR.—

(1) IN GENERAL.—The facility known as Schoens Lake, Schoens Dam, and Schoens Reservoir, located on Show Low Creek in Navajo County, Arizona shall be known and designated as the ''Pete Shumway Dam and Reservoir''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility described in paragraph (1) shall be deemed to be a reference to the ''Pete Shumway Dam and Reservoir''.

SEC. 110. ENVIRONMENTAL COMPLIANCE.

(a) ENVIRONMENTAL COMPLIANCE.—In implementing the settlement agreement and this Act, the Secretary shall comply with all applicable Federal environmental laws and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) EXECUTION OF THE SETTLEMENT AGREEMENT.—Execution of the settlement agreement by the Secretary as provided in this Act shall not constitute a major Federal action under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(c) LEAD AGENCY.—The Commissioner of the Bureau of Reclamation shall be primarily responsible to ensure environmental compliance in carrying out this Act.

(d) NO EFFECT ON ENFORCEMENT OF ENVIRONMENTAL LAWS.—Nothing in this Act precludes the United States, the Navajo Nation, or the Hopi Tribe, when delegated regulatory authority, from enforcing Federal environmental laws, including—

(1) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including claims for damages for harm to natural resources;

(2) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(4) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

(5) any regulation implementing 1 or more of those Acts.

TITLE II—CENTRAL ARIZONA PROJECT WATER

SEC. 201. CONDITIONS FOR REALLOCATION OF CAP NIA PRIORITY WATER.

(a) REALLOCATION.—

(1) IN GENERAL.—The Secretary shall neither reallocate any CAP NIA priority water to the Navajo Nation under section 202(a) nor enter into a contract with the Navajo Nation for the delivery of that water under section 202(c) unless and until the Secretary has published in the Federal Register the statement of findings referred to in subsection (b) that all of the conditions described in paragraph (2) have been satisfied.

(2) CONDITIONS.—The conditions described in this paragraph are that—

(A) the LCR enforceability date has occurred;

(B) the Navajo Nation and the Navajo project lessees, with the approval of the Secretary, have executed an amendment to the Navajo Project Lease extending the term of the Navajo Project Lease through December 23, 2044;

(C) the Secretary, with the consent of the Navajo Nation, has issued or renewed to the Navajo project lessees, in a form acceptable to the Navajo project lessees, grants of Federal rights-of-way and easements pursuant to the first section of the Act of February 5, 1948 (25 U.S.C. 323), for—

(i) the land subject to the Navajo Project Lease and for the railroad-granted land, the terms of which shall extend through the term of the Navajo Project Lease, as amended; and

(ii) the power transmission lines over and across land on the Navajo Reservation, the terms of which shall extend through the term of the Navajo Project Lease, as amended, described as—

(I) the grant entitled ''Grant of Easement or Right of Way from the Bureau of Indian Affairs, Window Rock, Arizona, Grantor'', dated February 1971, for the construction, operation, maintenance, replacement, and removal of the Navajo Project Southern Transmission System, with Map Nos. INH-96, sheets 1–4, B29036, dated May 28, 1970, marked as Exhibit B to that grant, and the complete centerline description shown on Exhibit A of that grant;

(II) the grant entitled ''Grant of Easement and Right-of-Way by the United States of America, Bureau of Indian Affairs, Department of the Interior, Window Rock, Arizona, Grantor'', dated September 8, 1988, including amendments to that grant, for the construction, operation, and maintenance of the Navajo-McCullough Transmission Line, as shown on the Map marked Exhibit B to that grant and more particularly described in the right-of-way description marked Exhibit A to that grant; and

(III) a right-of-way or permit for the Navajo Generating Station/Western Area Power Administrative Intertie Transmission System, running from the Navajo Generating Station switchyard approximately 200 feet to the Western Area Power Administration transmission line;

(D) Peabody has leased coal in sufficient quantity and quality from the Navajo Nation, or the Navajo Nation and the Hopi Tribe, for the Navajo Generating Station to operate through the term of the Navajo Project Lease, as amended;

(E) the surface coal mining permit, or a revision of that permit, has been issued by the Secretary, acting through the Office of Surface Mining, Reclamation and Enforcement, to Peabody authorizing the operation of the Kayenta mine and the mining of the quantities of coal referred to in subparagraph (D) through the term of the Navajo Project Lease, as amended;

(F) Peabody and the Navajo project lessees have entered into a coal supply contract for the purchase of the quantities and quality of coal referred to in subparagraph (D) that extends through the term of the Navajo Project Lease, as amended;

(G) the term of the contract for water service among the Navajo project lessees and the Bureau of Reclamation for the consumptive use at the Navajo Generating Station of up to 34,100 afy of upper basin water has been extended through the term of the Navajo Project Lease, as amended; and

(H) the Secretary, acting through the Director of the National Park Service, has reissued or extended the right-of-way permit No. RW GLCA–06–002, issued on August 30, 2006, through the term of the Navajo Project Lease, as amended.

(b) PUBLICATION OF STATEMENT OF FINDINGS.—Upon satisfaction of all of the conditions described in subsection (a)(2), the Secretary shall publish in the Federal Register a statement of findings that each of the conditions has been met.

(c) TIMING OF REALLOCATION.—Upon publication in the Federal Register of the statement of findings referred to in subsection (b), the Secretary shall reallocate to the Navajo Nation the CAP NIA priority water in accordance with section 202(a) and enter into a contract with the Navajo Nation for the delivery of that water in accordance with section 202(c), through the Navajo-Gallup water supply project in accordance with this Act.

(d) FAILURE TO PUBLISH NOTICE.—If the Secretary fails to publish a statement of findings in the Federal Register under subsection (b) by October 31, 2022—

(1) the authority provided under this section and section 202 shall terminate; and

(2) this section and section 202, 203, 204, 205(a)(2)(A), and 205(b) shall be of no further force or effect.

SEC. 202. REALLOCATION OF CAP NIA PRIORITY WATER, FIRMING, WATER DELIVERY CONTRACT.

(a) REALLOCATION TO THE NAVAJO NATION.—

(1) IN GENERAL.—On the date on which the Secretary publishes in the Federal Register the statement of findings under section 201(b), the Secretary shall reallocate to the Navajo Nation the Navajo Nation CAP water.

(2) AVAILABILITY AND USE.—The water reallocated under paragraph (1) shall be available for diversion and use from the San Juan River pursuant to and consistent with section 10603(b)(2)(D) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1383) (as amended by section 205).

(b) FIRMING.—

(1) NAVAJO NATION CAP WATER.—The Navajo Nation CAP water shall be firmed as follows:

(A) In accordance with section 105(b)(1)(B) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3492), the Secretary shall firm 50 percent of the Navajo Nation CAP water to the equivalent of CAP M&I priority water for the period of 100 years beginning on January 1, 2008.

(B) In accordance with section 105(b)(2)(B) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3492), the State shall firm 50 percent of the Navajo Nation CAP water to the equivalent of CAP M&I priority water for the period of 100 years beginning on January 1, 2008.

(2) ADDITIONAL FIRMING.—The Navajo Nation may, at the expense of the Navajo Nation, take additional actions to firm or supplement the Navajo Nation CAP water, including by entering into agreements for that purpose with the Central Arizona Water Conservation District, the Arizona Water Banking Authority, or any other lawful authority, in accordance with State law.

(c) NAVAJO NATION WATER DELIVERY CONTRACT.—

(1) CONTRACT.—

(A) IN GENERAL.—The Secretary shall enter into the Navajo Nation water delivery contract, in accordance with the settlement agreement, which shall meet, at a minimum, the requirements described in subparagraph (B).

(B) REQUIREMENTS.—The requirements described in this subparagraph are as follows:

(i) AUTHORIZATION.—The contract entered into under subparagraph (A) shall be for permanent service (as that term is used in section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d)), and shall be without limit as to term.

(ii) NAVAJO NATION CAP WATER.—

(I) IN GENERAL.—The Navajo Nation CAP water may be delivered through the Navajo-Gallup water supply project for use in the State.

(II) METHOD OF DELIVERY.—Subject to the physical availability of water from the San Juan River and to the rights of the Navajo Nation to use that water, deliveries under this clause shall be effected by the diversion and use of water from the San Juan River pursuant to section 10603 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1382) (as amended by section 205).

(iii) CONTRACTUAL DELIVERY.—The Secretary shall deliver the Navajo Nation CAP water to the Navajo Nation in accordance with the terms and conditions of the Navajo Nation water delivery contract.

(iv) CURTAILMENT.—Except to the extent that the Navajo Nation CAP water is firmed by the United States and the State under subsection (b)(1) or is otherwise firmed by the Navajo Nation, deliveries of the Navajo Nation CAP water shall be subject to curtailment in that—

(I) deliveries of the Navajo Nation CAP water effected by the diversion of water from the San Juan River shall be curtailed during shortages of CAP NIA priority water to the same extent as other CAP NIA priority water supplies; and

(II) the extent of that curtailment shall be determined in accordance with clause (xvi).

(v) LEASES AND EXCHANGES OF NAVAJO NATION CAP WATER.—On and after the date on which the Navajo Nation water delivery contract becomes effective, the Navajo Nation may, with the approval of the Secretary, enter into contracts to lease, options to lease, exchange, or options to exchange the Navajo Nation CAP water within Apache, Cochise, Coconino, Gila, Graham, Maricopa, Navajo, Pima, Pinal, Santa Cruz, and Yavapai Counties, Arizona, providing for the temporary delivery to other persons of any portion of Navajo Nation CAP water.

(vi) TERM OF LEASES AND EXCHANGES.—

(I) LEASING.—Contracts to lease and options to lease under clause (v) shall be for a term not to exceed 100 years.

(II) EXCHANGING.—Contracts to exchange or options to exchange under clause (v) shall be for the term provided for in each such contract or option.

(III) RENEGOTIATION.—The Navajo Nation may, with the approval of the Secretary, renegotiate any lease described in clause (v), at any time during the term of the lease, if the term of the renegotiated lease does not exceed 100 years.

(vii) PROHIBITION ON PERMANENT ALIENATION.—No Navajo Nation CAP water may be permanently alienated.

(viii) NO FIRMING OF LEASED WATER.—The firming obligations described in subsection (b)(1) shall not apply to any Navajo Nation CAP water leased by the Navajo Nation to other persons.

(ix) ENTITLEMENT TO LEASE AND EXCHANGE FUNDS.—

(I) IN GENERAL.—Only the Navajo Nation, and not the United States in any capacity, shall be entitled to all consideration due to the Navajo Nation under any contracts to lease, options to lease, contracts to exchange, or options to exchange the Navajo Nation CAP water entered into by the Navajo Nation.

(II) OBLIGATIONS OF UNITED STATES.—The United States in any capacity shall have no trust or other obligation to monitor, administer, or account for, in any manner, any funds received by the Navajo Nation as consideration under any contracts to lease, options to lease, contracts exchange, or options to exchange the Navajo Nation CAP water entered into by the Navajo Nation, except in a case in which the Navajo Nation deposits the proceeds of any such lease, option to lease, exchange, or option to exchange into an account held in trust for the Navajo Nation by the United States.

(x) WATER USE ON NAVAJO LAND.—

(I) IN GENERAL.—Except as authorized by clause (v), the Navajo Nation CAP water may only be used on—

(aa) the Navajo Reservation;

(bb) land held in trust by the United States for the benefit of the Navajo Nation; or

(cc) land owned by the Navajo Nation in fee that is located within the State.

(II) STORAGE.—The Navajo Nation may store the Navajo Nation CAP water at underground storage facilities or groundwater savings facilities located within the CAP system service area, consisting of Pima, Pinal, and Maricopa Counties, in accordance with State law.

(III) ASSIGNMENT.—The Navajo Nation may assign any long-term storage credits accrued as a result of storage under subclause (II) in accordance with State law.

(xi) NO USE OUTSIDE ARIZONA.—

(I) IN GENERAL.—No Navajo Nation CAP water may be used, leased, exchanged, forborne, or otherwise transferred by the Navajo Nation for use directly or indirectly outside of the State.

(II) AGREEMENTS.—Nothing in this Act or the settlement agreement limits the right of the Navajo Nation to enter into any agreement with the Arizona Water Banking Authority, or any successor agency or entity, in accordance with State law.

(xii) CAP FIXED OM&R CHARGES.—

(I) IN GENERAL.—The CAP operating agency shall be paid the CAP fixed OM&R charges associated with the delivery of all the Navajo Nation CAP water.

(II) PAYMENT OF CHARGES.—Except as provided in clause (xiii), all CAP fixed OM&R charges associated with the delivery of the Navajo Nation CAP water to the Navajo Nation shall be paid by—

(aa) the Secretary, pursuant to section 403(f)(2)(A) of the Colorado River Basin Project Act (43 U.S.C. § 1543(f)(2)(A)), as long as funds for that payment are available in the Lower Colorado River Basin Development Fund; and

(bb) if those funds become unavailable, the Navajo Nation.

(xiii) LESSEE RESPONSIBILITY FOR CHARGES.—

(I) IN GENERAL.—Any lease or option to lease providing for the temporary delivery to other persons of any Navajo Nation CAP water shall require the lessee to pay the CAP operating agency all CAP fixed OM&R charges and all CAP pumping energy charges associated with the delivery of the leased water.

(II) NO RESPONSIBILITY FOR PAYMENT.—Neither the Navajo Nation nor the United States in any capacity shall be responsible for the payment of any charges associated with the delivery of the Navajo Nation CAP water leased to other persons.

(xiv) ADVANCE PAYMENT.—No Navajo Nation CAP water shall be delivered unless the CAP fixed OM&R charges and the CAP pumping energy charges associated with the delivery of that water have been paid in advance.

(xv) CALCULATION.—The charges for delivery of the Navajo Nation CAP water pursuant to the Navajo Nation water delivery contract shall be calculated in accordance with the CAP repayment stipulation.

(xvi) SHORTAGES OF NAVAJO NATION CAP WATER.—If, for any year, the available CAP supply is insufficient to meet all demands under CAP contracts for the delivery of CAP NIA priority water, the Secretary and the CAP operating agency shall prorate the available CAP NIA priority water among the CAP contractors holding contractual entitlements to CAP NIA priority water on the basis of the quantity of CAP NIA priority water used by each such CAP contractor in the last year for which the available CAP supply was sufficient to fill all orders for CAP NIA priority water.

(xvii) CAP REPAYMENT.—For purpose of determining the allocation and repayment of costs of any stages of the CAP constructed after November 21, 2007, the costs associated with the delivery of the Navajo Nation CAP water, regardless of whether the Navajo Nation CAP water is delivered for use by the Navajo Nation or in accordance with any lease, option to lease, exchange, or option to exchange providing for the delivery to other persons of the Navajo Nation CAP water, shall be—

(I) nonreimbursable; and

(II) excluded from the repayment obligation of the Central Arizona Water Conservation District.

(xviii) NONREIMBURSABLE CAP CONSTRUCTION COSTS.—

(I) IN GENERAL.—With respect to the costs associated with the construction of the CAP system allocable to the Navajo Nation—

(aa) the costs shall be nonreimbursable; and

(bb) the Navajo Nation shall have no repayment obligation for the costs.

(II) CAPITAL CHARGES.—No CAP water service capital charges shall be due or payable for the Navajo Nation CAP water, regardless of whether the water is delivered for use by the Navajo Nation or is delivered under any lease, option to lease, exchange, or option to exchange the Navajo Nation CAP water entered into by the Navajo Nation.

SEC. 203. COLORADO RIVER ACCOUNTING.

(a) ACCOUNTING FOR THE TYPE OF WATER DELIVERED.—All deliveries of the Navajo Nation CAP water effected by the diversion of water from the San Juan River shall be accounted for as deliveries of CAP water.

(b) ACCOUNTING FOR AS LOWER BASIN USE IN ARIZONA REGARDLESS OF PLACE OF USE OR POINT OF DIVERSION.—All Navajo Nation CAP water delivered to and consumptively used by the Navajo Nation or lessees of the Navajo Nation pursuant to the settlement agreement and this Act shall be—

(1) accounted for as if the use had occurred in the lower basin, regardless of the point of diversion or place of use;

(2) credited as water reaching Lee Ferry pursuant to articles III(c) and III(d) of the Colorado River Compact;

(3) charged against the consumptive use apportionment made to the lower basin by article III(a) of the Colorado River Compact; and

(4) accounted for as part of and charged against the 2,800,000 afy of Colorado River water apportioned to Arizona in article II(B)(1) of the decree.

(c) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding subsections (a) and (b) and subject to paragraphs (2) and (3), no water diverted by the Navajo-Gallup water supply project shall be accounted for as provided in subsections (a) and (b) until such time as the Secretary has developed and, as necessary, modified, in consultation with the Upper Colorado River Commission and the representatives of Governors on Colorado River Operations from each of the respective State signatories to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines, or other documents that control the operations of the Colorado River system reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico.

(2) MODIFICATIONS.—All modifications under paragraph (1) shall be—

(A) consistent with section 10603(c)(2)(A) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1384) and this Act; and

(B) applicable only for the duration of any diversion described in paragraph (1)pursuant to section 10603(c)(2)(B) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1384) and this Act.

(3) ADMINISTRATION.—Article II(B) of the decree shall be administered so that diversions from the mainstream of the Colorado River for the Central Arizona Project, as served under existing contracts with the United States by diversion works constructed before the date of enactment of this Act, shall be limited and reduced to offset any diversions of CAP water made pursuant to section 10603(c)(2)(B) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1384) and this Act.

(4) EFFECT OF SUBSECTION.—This subsection shall not—

(A) affect, in any manner, the quantity of water apportioned to the State pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.) and the decree; or

(B) amend any provision of the decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

SEC. 204. NO MODIFICATION OF EXISTING LAWS.

(a) NO MODIFICATION OR PREEMPTION OF OTHER LAWS.—Unless expressly provided in this Act, nothing in this Act modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.);

(3) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(4) the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.);

(5) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington on February 3, 1944 (59 Stat. 1219);

(6) the Colorado River Compact;

(7) the Upper Colorado River Basin Compact; or

(8) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991).

(b) NO PRECEDENT.—Nothing in this Act—

(1) authorizes or establishes a precedent for any type of transfer of Colorado River system water between the upper basin and the lower basin; or

(2) expands the authority of the Secretary in the upper basin.

(c) PRESERVATION OF EXISTING RIGHTS.—

(1) IN GENERAL.—Rights to the consumptive use of water available to the upper basin from the Colorado River system under the Colorado River Compact and the Upper Colorado River Basin Compact shall not be reduced or prejudiced by any use of water pursuant to section 10603(c) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1384) or this Act.

(2) NO EFFECT ON DUTIES AND POWERS.—Nothing in this Act impairs, conflicts with, or otherwise changes the duties and powers of the Upper Colorado River Commission.

(d) UNIQUE SITUATION.—Diversions through the Navajo-Gallup water supply project consistent with this Act address critical tribal and non-Indian water supply needs under unique circumstances, including—

(1) the intent to benefit Indian tribes in the United States;

(2) the location of the Navajo Nation in both the upper basin and the lower basin;

(3) the intent to address critical Indian and non-Indian water needs in the State; and

(4) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation in the State.

(e) EFFICIENT USE.—The diversions and uses authorized for the Navajo-Gallup water supply project under this Act represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 205. AMENDMENTS.

(a) AMENDMENTS TO THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009.—

(1) DEFINITIONS.—Section 10302 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407 note; Public Law 111–11) is amended—

(A) in paragraph (2), by striking ''Arrellano'' and inserting ''Arellano''; and

(B) in paragraph (27), by striking ''75–185'' and inserting ''75–184''.

(2) DELIVERY AND USE OF NAVAJO-GALLUP WATER SUPPLY PROJECT WATER.—Section 10603(c) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1384) is amended—

(A) in paragraph (1)(A), by striking ''Lower Basin and'' and inserting ''Lower Basin or''; and

(B) in paragraph (2)(A)—

(i) in clause (i), by striking ''Article III(c)'' and inserting ''Articles III(c)''; and

(ii) in clause (ii)(II), by striking ''Article III(c)'' and inserting ''Articles III(c)''.

(3) PROJECT CONTRACTS.—Section 10604(f)(1) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1391) is amended by inserting ''Project'' before ''water.''

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 10609 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1395) is amended—

(A) in paragraphs (1) and (2) of subsection (b), by striking ''construction or rehabilitation'' each place it appears and inserting ''planning, design, construction, rehabilitation,'';

(B) in subsection (e)(1), by striking ''2 percent'' and inserting ''4 percent''; and

(C) in subsection (f)(1), by striking ''4 percent'' and inserting ''2 percent''.

(5) AGREEMENT.—Section 10701(e) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1400) is amended in paragraphs (2)(A), (2)(B), and (3)(A) by striking ''and Contract'' each place it appears.

(b) AMENDMENTS TO THE ARIZONA WATER SETTLEMENTS ACT OF 2004.—Section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act of 2004 (Public Law 108–451; 118 Stat. 3487) is amended in the first sentence by striking ''claims to water in Arizona'' and inserting ''claims to the Little Colorado River in Arizona.''

(c) EFFECTIVE DATES.—The amendments made by subsections (a)(2)(A) and (b) take effect on the date of publication in the Federal Register of the statement of findings described in section 201(b).

SEC. 206. RETENTION OF LOWER COLORADO RIVER WATER FOR FUTURE LOWER COLORADO RIVER SETTLEMENT.

(a) RETENTION OF CAP NIA PRIORITY WATER.—Notwithstanding section 104(a)(1)(B)(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3487), the Secretary shall retain until January 1, 2031—

(1) 22,589 afy of the CAP NIA priority water referred to in section 104(a)(1)(A)(iii) of that Act (Public Law 108–451; 118 Stat. 3487) for use in a future settlement of the claims of the Navajo Nation to Lower Colorado River water; and

(2) 1,000 afy of the CAP NIA priority water referred to in section 104(a)(1)(A)(iii) of that Act (Public Law 108–451; 118 Stat. 3487) for use in a future settlement of the claims of the Hopi Tribe to Lower Colorado River water.

(b) RETENTION OF FOURTH PRIORITY MAINSTREAM COLORADO RIVER WATER.—The Secretary shall retain—

(1) 2,000 afy of the 3,500 afy of uncontracted Arizona fourth priority Colorado River water referred to in section 11.3 of the Arizona Water Settlement Agreement, among the Director of the Arizona Department of Water Resources, the Central Arizona Water Conservation District, and the Secretary, dated August 16, 2004, for use in a future settlement of the claims of the Navajo Nation to Lower Colorado River water; and

(2) 1,500 afy of the 3,500 afy of uncontracted Arizona fourth priority Colorado River water referred to in subparagraph 11.3 of the Arizona Water Settlement Agreement, among the Director of the Arizona Department of Water Resources, the Central Arizona Water Conservation District, and the Secretary, dated August 16, 2004, for use in a future settlement of the claims of the Hopi Tribe to Lower Colorado River water.

(c) CONDITIONS.—

(1) NAVAJO NATION.—If Congress does not approve a settlement of the claims of the Navajo Nation to Lower Colorado River water by January 1, 2031, the 22,589 afy of CAP NIA priority water referred to in subsection (a)(1) shall be available to the Secretary under section 104(a)(1)(B)(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3487).

(2) HOPI TRIBE.—If Congress does not approve a settlement of the claims of the Hopi Tribe to Lower Colorado River water by January 1, 2031, the 1,000 afy of CAP NIA priority water referred to in subsection (a)(2) shall be available to the Secretary under section 104(a)(1)(B)(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3487).

(3) WATER RETAINED FOR THE NAVAJO NATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the fourth priority Colorado River water retained for the Navajo Nation under subsection (b)(1) shall not be allocated, nor shall any contract be issued under the Boulder Canyon Project Act (42 U.S.C. 617 et seq.) for the use of the water, until a final Indian water rights settlement for the Navajo Nation has been approved by Congress, resolving the claims of the Navajo Nation to Lower Colorado River water within the State.

(B) ADJUDICATION OF NAVAJO NATION CLAIMS.—

(i) IN GENERAL.—Except as provided in paragraph (1) and subparagraph (C), if the claims of the Navajo Nation to Lower Colorado River water are fully and finally adjudicated through litigation without a settlement of those claims, the 22,589 afy of CAP NIA priority water referred to in subsection (a)(1) and the 2,000 afy of fourth priority Colorado River water referred to in subsection (b)(1)—

(I) shall no longer be retained as provided in those subsections; but

(II) shall be used to satisfy, in whole or in part, any rights of the Navajo Nation to Lower Colorado River water determined through that litigation.

(ii) MANNER AND EXTENT OF DISTRIBUTION.—

(I) IN GENERAL.—Notwithstanding the last sentence of section 104(a)(1)(B)(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3487), the manner and extent to which the water described in clause (i) shall be used to satisfy any rights of the Navajo Nation shall be determined by the court in the litigation.

(II) CAP NIA PRIORITY WATER.—To the extent that any of the CAP NIA priority water is not needed to satisfy any rights of the Navajo Nation described in clause (i), the water shall be available to the Secretary under section 104(a)(1)(B)(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3487).

(III) FOURTH PRIORITY COLORADO RIVER WATER.—To the extent that any of the fourth priority Colorado River water is not needed to satisfy any rights of the Navajo Nation described in clause (i), the water shall be retained by the Secretary for uses relating to Indian water right settlements in the State.

(C) TERMINATION OF RETENTION OF CAP WATER.—

(i) IN GENERAL.—If the Navajo Nation files an action against the United States regarding the claims of the Navajo Nation to Lower Colorado River water or the operation of the Lower Colorado River after the Navajo Nation dismisses the court case described in section 109(e) and before January 1, 2031, the Secretary may, prior to any judicial determination of the claims asserted in the action, terminate the retention of the 22,589 afy of CAP NIA priority water described in subsection (a)(1).

(ii) REQUIREMENTS FOLLOWING TERMINATION.—If the Secretary terminates the retention of the 22,589 afy of CAP NIA priority water under this subsection, the Secretary shall—

(I) promptly give written notice of that action to the Navajo Nation and the Arizona Department of Water Resources; and

(II) use the 22,589 afy of CAP NIA priority water as provided in section 104(a)(1)(B)(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3487).

(4) WATER RETAINED FOR HOPI TRIBE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the fourth priority Colorado River water retained for the Hopi Tribe under subsection (b)(2) shall not be allocated, nor shall any contract be issued under the Boulder Canyon Project Act (43 U.S.C. 617 et seq.) for the use of the water, until a final Indian water rights settlement for the Hopi Tribe and the Navajo Nation has been approved by Congress, resolving the claims of the Hopi Tribe and the Navajo Nation to Lower Colorado River water within the State.

(B) ADJUDICATION OF HOPI TRIBE CLAIMS.—

(i) IN GENERAL.—Except as provided in paragraph (1) and subparagraph (C), if the

claims of the Hopi Tribe to the Lower Colorado River are fully and finally adjudicated through litigation without a settlement of those claims, the 1,000 afy of CAP NIA priority water referred to in subsection (a)(2) and the 1,500 afy of fourth priority Colorado River water referred to in subsection (b)(2)—

(I) shall no longer be retained as provided in those subsections; but

(II) shall be used to satisfy, in whole or in part, any rights of the Hopi Tribe to Lower Colorado River water determined through that litigation.

(ii) MANNER AND EXTENT OF DISTRIBUTION OF WATER.—

(I) IN GENERAL.—Notwithstanding the last sentence of section 104(a)(1)(B)(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3487), the manner and extent to which the water described in clause (i) shall be used to satisfy any rights of the Hopi Tribe shall be determined by the court in the litigation.

(II) CAP NIA PRIORITY WATER.—To the extent that any of the CAP NIA priority water is not needed to satisfy any rights of the Hopi Tribe described in clause (i), that water shall be available to the Secretary under section 104(A)(1)(B)(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3487).

(III) FOURTH PRIORITY COLORADO RIVER WATER.—To the extent that any of the fourth priority Colorado River water is not needed to satisfy any rights of the Hopi Tribe described in clause (i), that water shall be retained by the Secretary for uses relating to Indian water right settlements in the State.

(C) TERMINATION OF RETENTION OF CAP WATER.—

(i) IN GENERAL.—If the Hopi Tribe files an action against the United States regarding the claims of the Hopi Tribe to Lower Colorado River water or the operation of the Lower Colorado River before January 1, 2031, the Secretary may, prior to any judicial determination of those claims, terminate the retention of the 1,000 afy of CAP NIA priority water described in subsection (a)(2).

(ii) REQUIREMENTS FOLLOWING TERMINATION.—If the Secretary terminates the retention of the 1,000 afy of CAP NIA priority water under this subparagraph, the Secretary shall—

(I) promptly give written notice of that action to the Hopi Tribe and the Arizona Department of Water Resources; and

(II) use the 1,000 afy of CAP NIA priority water as provided in section 104(A)(1)(B)(i) of the Arizona Water Settlements Act (Public Law 108–451; 118 Stat. 3487).

(5) EFFECT OF SECTION.—Nothing in this section determines, confirms, or limits the validity or extent of the claims of the Navajo Nation and the Hopi Tribe to Lower Colorado River water.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS FOR FEASIBILITY STUDY.

There is authorized to be appropriated to complete the feasibility investigations of the Western Navajo Pipeline component of the North Central Arizona Water Supply Study $3,300,000.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 372—RECOGNIZING THE IMPORTANCE OF THE UNITED STATES-EGYPT RELATIONSHIP, AND URGING THE GOVERNMENT OF EGYPT TO PROTECT CIVIL LIBERTIES AND CEASE INTIMIDATION AND PROSECUTION OF CIVIL SOCIETY WORKERS AND DEMOCRACY ACTIVISTS, AND FOR OTHER PURPOSES

Mr. KERRY (for himself, Mr. INHOFE, Mrs. BOXER, and Mr. DURBIN) submitted the following resolution; which was placed on the calendar:

S. RES. 372

Whereas the Governments and people of the United States and Egypt enjoy a long history of a strong strategic partnership;

Whereas the United States Government seeks to maintain robust bilateral relations with the Government and people of Egypt so that they may continue to work together toward our shared goals of peace, security, and economic prosperity in Egypt and the region;

Whereas, on February 11, 2011, peaceful mass protests succeeded in bringing an end to the authoritarian rule of Hosni Mubarak;

Whereas the United States Government and the international community stood by the people of Egypt as they began to undertake their transition to a democracy;

Whereas there have been numerous clashes between security personnel and protesters, including Egyptians who were calling for a swifter transition to civilian-led rule;

Whereas, on November 28 and 29, 2011, the first of three rounds of parliamentary elections began in Egypt, which have been deemed largely free and fair by civil society observers and monitors;

Whereas United States-based organizations such as the National Democratic Institute, the International Republican Institute, Freedom House, and the International Center for Journalists were in Egypt to support and promote democratic activity, including elections, adherence to the rule of law, and the existence of a free press;

Whereas certain of those organizations had been operating openly in Egypt for many years, had long sought formal registration and had never received rejections of their applications, had exhibited an unprecedented level of transparency, and had only recently become the targets of malicious reporting by state-run media in Egypt;

Whereas, on December 29, 2011, the Government of Egypt raided the offices of the National Democratic Institute, the International Republican Institute, Freedom House, the International Center for Journalists, and several other Egyptian and international civil society organizations in Egypt, confiscating their property and equipment;

Whereas the Government of Egypt announced that it would launch investigations into hundreds of civil society organizations, has targeted and interrogated staff of these organizations, and has imposed restrictions on the movement of United States citizens who are staff members of these organizations, including placing them on a ''no-fly'' list to prohibit departure from the country;

Whereas, on February 5, 2012, the Government of Egypt announced that it would refer for arrest more than 40 staff members of various nongovernmental organizations, among them 16 United States citizens, including staff of the United States-based National Democratic Institute, the International Republican Institute, Freedom House, the International Center for Journalists, and Germany-based Konrad Adenauer Stiftung;

Whereas in the Consolidated Appropriations Act, 2012 (Public Law 112–74), Congress conditioned economic and military assistance to Egypt on the Secretary of State's certification that Egypt is meeting its obligations under the 1979 Peace Treaty with Israel and that it is supporting the transition to a civilian government, including by holding free and fair elections and protecting freedoms of expression, association, and religion and due process of law;

Whereas Secretary of State Hillary Clinton has stated that the United States Government has ''deep concerns about what is happening to our NGOs, and Americans and others who work for them. . . We do not believe there is any basis for these investigations, these raids on the sites that the NGOs operate out of, the seizure of their equipment, and certainly no basis for prohibiting the exit from the country by individuals who have been working with our NGOs.'';

Whereas restricting the space for civil society engagement dishonors the promise of the Egyptian revolution and could potentially damage the country's transition to democracy; and

Whereas, according to Secretary of State Clinton, ''We have worked very hard the last year to put into place financial assistance and other support for the economic and political reforms that are occurring in Egypt, and we will have to closely review these matters as it comes time for us to certify whether or not any of these funds from our government can be made available under these circumstances.'': Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the central and historic importance of the United States-Egyptian strategic partnership in advancing the common interests of both countries, including peace and security in the broader Middle East and North Africa;

(2) reiterates its support for the people of Egypt during a difficult political transition towards a more representative and responsive democratic government;

(3) praises the work that United States democracy promotion organizations such as the National Democratic Institute, the International Republican Institute, Freedom House, and the International Center for Journalists, do internationally to strengthen civic institutions, democratic practice, political parties, the rule of law, respect for human rights, and protections for independent media;

(4) reaffirms the commitment of the Government and people of the United States to universal rights of freedom of expression, religion, assembly, and association, including Internet freedom;

(5) notes the critical role civil society plays in democratic societies and applauds the work of democracy promotion, human rights, and developmental organizations in Egypt;

(6) expresses deep concern at the intimidation and media manipulation against democracy activists and Egyptian and international civil society organizations in Egypt;

(7) urges the Government of Egypt to protect civil liberties for all citizens, embrace transparency and accountability, and promote the creation of a vibrant civil society;

(8) calls upon the Government of Egypt to immediately cease its intimidation and prosecution of civil society workers and democracy activists of all nationalities in Egypt, including Egyptians, and to allow non-Egyptian civil society workers to voluntarily leave the country; and

(9) calls on the Government of Egypt to halt harassment, including that conducted via state media, of democracy and human rights activists in Egypt.

SENATE RESOLUTION 373—RECOGNIZING FEBRUARY 14, 2012, AS THE CENTENNIAL OF THE STATE OF ARIZONA

Mr. MCCAIN (for himself and Mr. KYL) submitted the following resolution; which was considered and agreed to:

S. RES. 373

Whereas, after many changes in government administration, territorial divisions, and additions, including lands acquired through the Treaty of Guadalupe Hidalgo and the Gadsden Purchase, the Territory of Arizona came into existence nearly 150 years ago after serving as a sacred home to native cultures for thousands of years;

Whereas Arizona is home to many of the greatest natural treasures of the United States, including the Sedona Red Rocks, the White Mountains, the Painted Desert, the Petrified Forest, Monument Valley, Saguaro National Park, the 12,000-foot San Francisco Peaks, and the Grand Canyon, 1 of the 7 natural wonders of the world, which explorer John Wesley Powell said could not be ''adequately represented in symbols of speech, nor by speech itself'';

Whereas Arizona is also home to man-made wonders, including innovative projects that have allowed much-needed fresh water to flow to Arizona communities for decades, such as the Hoover Dam, the Glen Canyon Dam, the Central Arizona Project, the Salt River Project, and the keystone element of the Salt River Project, the Theodore Roosevelt Dam;

Whereas Arizona has long been recognized for being rich in natural resources, including the famous ''5 C's'', copper, cattle, cotton, citrus, and climate, that continue to sustain the economies of Arizona and the United States;

Whereas Arizona is a mosaic of cultures, cuisines, and traditions, drawing continuing influence from 21 proud American Indian tribes and the early prospectors, ranchers, cowboys, adventurers, and missionaries, as well as a dynamic Latino community;

Whereas all of these Arizonans were, and remain, bound by a strong sense of independence and a willingness to persevere against the odds, and are again picking themselves up in the wake of devastating wildfires and economic challenges;

Whereas this unique Arizona spirit has nurtured leaders in the arts, justice, conservation, and science, as well as some of the greatest statesmen in the 20th century United States, including Senators Ernest McFarland, Carl Hayden, and Barry Goldwater, Representative Morris Udall, and Supreme Court Justices William Rehnquist and Sandra Day O'Connor;

Whereas the many military installations in Arizona have provided valuable contributions to the defense of the United States and will continue to do so for years to come;

Whereas, after nearly half a century as a territory of the United States, Arizona became the 48th State of the United States, and the last contiguous State, on February 14, 1912;

Whereas the people of the United States now have the opportunity to celebrate the natural splendor, innovative spirit, and cultural diversity that have made Arizona so special for the past 100 years and will continue to make Arizona special for centuries to come: Now, therefore, be it

Resolved, That the Senate recognizes February 14, 2012 as the centennial of the State of Arizona.

SENATE RESOLUTION 374—SUPPORTING THE MISSION AND GOALS OF 2012 NATIONAL CRIME VICTIMS' RIGHTS WEEK TO INCREASE PUBLIC AWARENESS OF THE RIGHTS, NEEDS, AND CONCERNS OF VICTIMS AND SURVIVORS OF CRIME IN THE UNITED STATES

Mr. WICKER (for himself, Mr. LEAHY, Mr. SCHUMER, and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 374

Whereas each year, approximately 19,000,000 individuals in the United States are victims of crime, including more than 4,000,0000 victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;

Whereas although the United States has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains;

Whereas despite impressive accomplishments during the past 40 years in the rights of and services available to crime victims, there remain many challenges to ensure that all victims—

(1) are treated with fairness, dignity, and respect;

(2) are offered support and services regardless of whether the victims report crimes committed against them; and

(3) are recognized as key participants within systems of justice in the United States when the victims do report crimes;

Whereas observing the rights of victims and treating victims with fairness, dignity, and respect serve the public interest by—

(1) engaging victims in the justice system;

(2) inspiring respect for public authorities; and

(3) promoting confidence in public safety;

Whereas the people of the United States recognize that we make our homes, neighborhoods, and communities safer and stronger by serving victims of crime and ensuring justice for all;

Whereas in each of the last 30 years, communities throughout the United States have joined Congress and the Department of Justice in observing National Crime Victims' Rights Week to celebrate a vision of a comprehensive and just response to all victims of crime;

Whereas, the theme of 2012 National Crime Victims' Rights Week, celebrated on April 22, 2012, through April 28, 2012, is ''Extending the Vision: Reaching Every Victim,'' which highlights the importance of ensuring that services are available for all victims of crime; and

Whereas the people of the United States appreciate the continued importance of promoting victims' rights and honoring crime victims and those who advocate on their behalf: Now, therefore, be it

Resolved, That the Senate—

(1) supports the mission and goals of 2012 National Crime Victims' Rights Week to increase public awareness of—

(A) the impact on victims and survivors of crime; and

(B) the constitutional and statutory rights and needs of those victims and survivors; and

(2) recognizes that fairness, dignity, and respect comprise the very foundation of how victims and survivors of crime should be treated.

SENATE RESOLUTION 375—CELEBRATING THE BICENTENNIAL OF THE CITY OF COLUMBUS, THE CAPITAL CITY OF THE STATE OF OHIO

Mr. BROWN of Ohio (for himself and Mr. PORTMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 375

Whereas in 1787, Congress enacted the Northwest Ordinance to settle claims following the American Revolution and begin the westward expansion of our Nation;

Whereas in 1803, Ohio was admitted as the 17th State in the Union, becoming the first territory of the Northwest Ordinance to achieve statehood;

Whereas in 1812, the Ohio General Assembly was offered land along the Scioto River in Central Ohio to serve as the capital of the State, due to its central location;

Whereas on February 14, 1812, the Ohio General Assembly officially designated the new capital city as Columbus, in honor of Christopher Columbus;

Whereas Columbus emerged as a trading and transportation hub through the influence of the Ohio & Erie Canal and the National Highway;

Whereas on March 3, 1834, 31 years after Ohio achieved statehood, Columbus was officially chartered as a city because of its growing population;

Whereas during the Civil War, Columbus was home to Camp Chase, a major base for the Union Army that housed 26,000 troops, Camp Jackson, an assembly center for recruits, and Columbus Barracks, which served as an arsenal;

Whereas Columbus was a major outpost on the Underground Railroad, led by the Kelton family, who assisted fugitive slaves on their road to freedom;

Whereas in 1870, the Ohio General Assembly used to the Morrill Land Grant Act to create the Ohio Agricultural and Mechanical College, which was renamed the Ohio State University in 1878 and is presently one of the Nation's premier public universities and an anchor for economic activity in the City of Columbus;

Whereas Columbus is home to other world-class institutions of higher learning, including Capital University, established in 1830, Columbus College of Art and Design, established in 1879, Pontifical College Josephinum, established in 1888, Franklin University, established in 1902, Mount Carmel College of Nursing, established in 1903, Ohio Dominican University, established in 1911, and Columbus State Community College, established in 1963;

Whereas Columbus is home to some of the Nation's earliest schools for Americans living with disabilities, having established the Ohio School for the Deaf in 1829 and the Ohio State School for the Blind in 1837;

Whereas Columbus is of historical importance to the organized labor movement, as one of the Nation's first federations of labor, the American Federation of Labor, was founded in Columbus in 1886;

Whereas the American Veterans of Foreign Service, the earliest organization of veterans of foreign wars, was founded in Columbus in 1899;

Whereas in the late 19th century and the early 20th century, Columbus saw the rise of manufacturing and steel businesses, brewers,

and cultural and arts institutions, such as the Southern Theatre;

Whereas leading retail corporations, health care and insurance companies, and financial institutions call Columbus their home, attracted by the city's world-class workforce and cultural outlets;

Whereas Columbus serves as a leader in cutting-edge medical research and hospital systems through the Ohio State Medical Center and the Arthur James Cancer Hospital and Richard J. Solove Research Institute, Nationwide Children's Hospital, Mt. Carmel Hospital, Riverside Community Hospital, and Grant Medical Center;

Whereas Columbus is home to green space and parks that are used as both community gathering locations and to honor pioneers, including Shrum Mound, one of the last remaining conical burial mounds in the United States, which dates back more than 2,000 years;

Whereas Columbus is also home to the Midwest's largest Fourth of July Festival and the famed Ohio State Fair;

Whereas Columbus combines excellence in art and culture with professional sports teams such as the Columbus Clippers, the Columbus Crew, and the Columbus Blue Jackets;

Whereas Columbus is Ohio's most populous city and the 15th largest city in the United States, as well as one of the fastest growing cities in the Eastern United States;

Whereas February 14, 2012, marks the 200th anniversary of the founding of Columbus, Ohio; and

Whereas the citizens of Columbus will commemorate a year-long bicentennial celebration with the theme of ''Honor the Past. Celebrate the Present. Envision the Future.'': Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the bicentennial anniversary of the founding of the City of Columbus, the capital of the State of Ohio; and

(2) honors the important economic, cultural, educational, and artistic contributions that the people of Columbus have made to this Nation over the past 200 years.

AMENDMENTS SUBMITTED AND PROPOSED

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

SA 1570. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1571. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1572. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1515 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1573. Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1574. 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 1575. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1576. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1577. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1578. 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 1579. 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 1580. 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 1581. 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 1582. 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 1583. 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 1584. 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 1585. Mr. DEMINT (for himself, Mr. HATCH, Mr. HELLER, and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1586. 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 1587. 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 1588. 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 1589. 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 1590. 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 1591. Mr. KOHL (for himself, Ms. KLOBUCHAR, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1592. 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 1593. 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 1594. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1595. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1596. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1597. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1598. Mr. COBURN (for himself, Mr. MCCAIN, Mr. BURR, Mr. LEE, Mr. PORTMAN, Mr. ISAKSON, and Mr. COATS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1599. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1600. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1601. Mr. MERKLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 1515 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1602. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1603. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1604. Mr. MERKLEY (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1605. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1606. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1607. Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Ms. COLLINS, Mr. LEVIN, Ms. KLOBUCHAR, Mr. SANDERS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1608. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1609. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1610. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1611. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1612. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1613. Mr. BEGICH (for himself, Mr. WARNER, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1515 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1614. Ms. KLOBUCHAR (for herself, Mr. CASEY, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. BROWN of Ohio, Mr. FRANKEN, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1813, supra; which was ordered to lie on the table.

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

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

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

TEXT OF AMENDMENTS

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

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

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

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

''(C)

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

At the appropriate place, insert the following:

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

(a) DEFINITIONS.—In this section:

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

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

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

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

(C) a motor vehicle that—

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

(ii) operates on alternative fuel.

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

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

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

(b) REBATE PROGRAM.—

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

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

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

(B) $15,000.

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

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

At the appropriate place, insert the following:

SEC. ___. CLEAN VEHICLE CORRIDORS PROGRAM.

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

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

(2) to promote clean transportation technologies that will—

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

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

(3) to facilitate clean transportation incentives that will—

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

(B) provide for ongoing increases in energy demands;

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

(D) reduce vehicular petroleum use and emissions.

(b) DESIGNATION OF CLEAN VEHICLE CORRIDORS.—

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

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

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

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

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

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

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

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

(c) INTERSTATE COMPACTS.—

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

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

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

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

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

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

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

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

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

At the appropriate place, insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 15___. SAVANNAH HARBOR EXPANSION, GEORGIA.

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

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

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

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

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

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

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

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

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

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

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

At the appropriate place, insert the following:

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

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

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

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

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

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

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

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

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

''(3) SPECIAL RULES.—

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

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

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

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

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

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

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

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

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

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

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

SEC. _____. TERMINATION OF TIFIA.

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

(B) by inserting the following:

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

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

At the appropriate place, add the following:

SEC. _____. PROHIBITION ON PROVISION OF LOAN GUARANTEES.

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

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

At the appropriate place, insert the following:

SEC. _____. LIMITATION.

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

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

At the appropriate place, insert the following:

SEC. ___. REPEAL OF DAVIS-BACON.

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

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

At the appropriate place, insert the following:

SEC. ___. REPEAL OF PPACA.

(a) IN GENERAL.—

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

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

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

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

At the appropriate place, insert the following:

SEC. _____. PERMANENT ESTATE TAX RELIEF.

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

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

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

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

At the appropriate place, insert the following:

SEC. ___. REPEAL OF DODD-FRANK ACT.

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

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

At the appropriate place, insert the following:

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

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

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

(A) in section 17—

(i) in subsection (a)—

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

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

(ii) in subsection (b)—

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

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

(III) by striking paragraph (2);

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

(C) by redesignating section 68 as section 64.

(2) RESCISSION OF AMOUNTS.—

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

(i) is rescinded;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the appropriate place, insert the following:

SEC. ___. REPEAL OF AUTOMOBILE FUEL ECONOMY STANDARDS.

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

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

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

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

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

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

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

(D) FEDERAL LANDS HIGHWAYS PROGRAM.—

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

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

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

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

(E) HIGHWAY SAFETY PROGRAMS.—

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

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

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

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

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

''(g) TRANSFERABILITY OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) in subsection (d)—

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

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

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

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

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

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

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

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

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

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

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

(B) by striking the second sentence.

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

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

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

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

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

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

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

SEC. 4. INFRASTRUCTURE SPECIAL ASSISTANCE FUND.

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

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

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

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

''(A) the sum of—

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

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

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

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

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

''(A) TRANSITIONAL ASSISTANCE.—

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

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

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

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

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

''(B) ADDITIONAL EXPENDITURES FROM FUND.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) REDUCTION IN TAX RATE.—

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

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

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

(2) CONFORMING AMENDMENTS.—

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

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

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

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

(b) ADDITIONAL CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

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

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

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

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

SEC. 7. REPORT TO CONGRESS.

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

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

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

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

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

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

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

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

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

(c) OMB ESTIMATES AND REPORT.—

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

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

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

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

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

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

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

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

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

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

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

At the appropriate place, insert the following:

SEC. ___. REPEAL OF RENEWABLE FUEL PROGRAM.

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

(b) CONFORMING AMENDMENTS.—

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

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

(A) in paragraph (1)—

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

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

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

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

At the appropriate place, insert the following:

TITLE _____—REPEAL OF ENERGY TAX SUBSIDIES

SEC. ___100. REFERENCE TO 1986 CODE.

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENT.—

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

(2) Section 87 is repealed.

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

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

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

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

(c) CLERICAL AMENDMENTS.—

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

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

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

SEC. ___107. REPEAL OF ENHANCED OIL RECOVERY CREDIT.

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. ___112. TERMINATION OF ENERGY CREDIT.

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

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

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

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

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

SEC. ___113. REPEAL OF QUALIFYING ADVANCED COAL PROJECT.

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

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

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

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

SEC. ___114. REPEAL OF QUALIFYING GASIFICATION PROJECT CREDIT.

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

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

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

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

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

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

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

TITLE ___—REDUCTION OF CORPORATE INCOME TAX RATE

SEC. ___201. CORPORATE INCOME TAX RATE REDUCED.

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

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

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

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

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

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

At the appropriate place, insert the following:

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

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

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

(2) in subsection (c)—

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

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

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

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

At the end of the amendment, insert the following:

TITLE _____—RAILROAD ANTITRUST ENFORCEMENT ACT OF 2012

SEC. __01. SHORT TITLE.

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

SEC. __02. INJUNCTIONS AGAINST RAILROAD COMMON CARRIERS.

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

SEC. __03. MERGERS AND ACQUISITIONS OF RAILROADS.

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

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

SEC. __04. LIMITATION OF PRIMARY JURISDICTION.

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

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

SEC. __05. FEDERAL TRADE COMMISSION ENFORCEMENT.

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

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

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

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

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

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

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

SEC. __07. TERMINATION OF EXEMPTIONS IN TITLE 49.

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

(1) in subsection (a)—

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

(B) in paragraph (4)—

(i) by striking the second sentence; and

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

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

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

''(e) APPLICATION OF ANTITRUST LAWS.—

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

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

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

(1) in subsection (a)—

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

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

(2) by adding at the end the following:

''(c) APPLICATION OF ANTITRUST LAWS.—

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

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

(c) CONFORMING AMENDMENTS.—

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

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

''10706. Rate agreements.''.

SEC. __08. EFFECTIVE DATE.

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

(b) CONDITIONS.—

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

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

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

At the appropriate place, insert the following:

SEC. _____. ANNUAL INFLATION ADJUSTMENTS.

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

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

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

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

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

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

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

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

(D) FEDERAL LANDS HIGHWAYS PROGRAM.—

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

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

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

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

(E) HIGHWAY SAFETY PROGRAMS.—

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

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

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

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

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

''(g) TRANSFERABILITY OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) in subsection (d)—

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

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

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

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

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

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

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

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

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

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

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

(B) by striking the second sentence.

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

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

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

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

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

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

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

SEC. 4. INFRASTRUCTURE SPECIAL ASSISTANCE FUND.

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

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

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

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

''(A) the sum of—

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

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

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

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

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

''(A) TRANSITIONAL ASSISTANCE.—

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

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

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

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

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

''(B) ADDITIONAL EXPENDITURES FROM FUND.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) REDUCTION IN TAX RATE.—

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

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

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

(2) CONFORMING AMENDMENTS.—

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

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

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

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

(b) ADDITIONAL CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

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

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

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

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

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

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

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

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

SEC. 7. REPORT TO CONGRESS.

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

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

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

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

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

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

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

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

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

(c) OMB ESTIMATES AND REPORT.—

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

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

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

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

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

(2) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

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

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

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

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

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

At the appropriate place, insert the following:

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

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

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

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

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

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

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

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

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

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

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

At the appropriate place, insert the following:

SEC. _____. LIMITATION OF GOVERNMENT TRAVEL COSTS.

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

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

(2) does not include the Department of Defense.

(b) LIMITATION.—

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

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

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

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

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

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

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

(c) RESERVE TRAVEL AMOUNT.—

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

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

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

At the appropriate place, insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the appropriate place, insert the following:

SEC. ___001. DIRECT FEDERAL-AID HIGHWAY PROGRAM.

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

''§ 168. Direct Federal-aid highway program

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

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

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

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

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

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

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

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

''(c) STATE RESPONSIBILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

''(e) TRANSFERS.—

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

''(2) TRANSFERS UNDER PROGRAM.—

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

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

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

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

''(B) LIMITATION.—

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

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

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

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

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

''(g) MAINTENANCE OF EFFORT.—

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

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

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

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

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

SEC. ___002. ALTERNATIVE FUNDING OF PUBLIC TRANSPORTATION PROGRAMS.

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

''§ 5341. Alternative funding of public transportation programs

''(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

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

''(c) PUBLIC TRANSPORTATION PROGRAM.—

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

''(A) to waive the right of the State to receive amounts apportioned or allocated to the State under the covered programs for the fiscal year to which the election relates; and

''(B) to receive an amount for that fiscal year that is determined in accordance with subsection (e).

''(2) PROGRAM REQUIREMENTS.—

''(A) IN GENERAL.—The Governor of a State that participates in the alternative funding program shall—

''(i) submit a plan to the Secretary describing—

''(I) the purposes, projects, and uses to which amounts received under the alternative funding program will be used; and

''(II) which programmatic requirements of this title the State elects to continue;

''(ii) agree to obligate or expend amounts received under the alternative funding program exclusively for projects that would be eligible for funding under the covered programs if the State was not participating in the alternative funding program; and

''(iii) submit to the Secretary an annual report on the use of amounts received under the alternative funding program, and to make the report available to the public in an easily accessible format.

''(B) NO FEDERAL LIMITATION ON USE OF FUNDS.—Except as provided in subparagraph (A), the expenditure or obligation of funds received by a State under the alternative funding program shall not be subject to the provisions of this title (except for this section), title 23, or any other Federal law.

''(3) ELECTION IRREVOCABLE.—An election under paragraph (1) shall be irrevocable for the applicable fiscal year.

''(d) EFFECT ON PREEXISTING COMMITMENTS.—Participation in the alternative funding program shall not affect any responsibility or commitment of the State under this title for any fiscal year with respect to—

''(1) a project or program funded under this title (other than under this section); or

''(2) any project or program funded under this title for any fiscal year for which the State elects not to participate in the alternative funding program.

''(e) TRANSFERS.—

''(1) IN GENERAL.—The amount to be transferred to a State under the alternative funding program for a fiscal year shall be the portion of the taxes transferred to the Mass Transit Account of the Highway Trust Fund, for that fiscal year, that is attributable to highway users in that State during that fiscal year.

''(2) TRANSFERS.—

''(A) IN GENERAL.—Transfers under the program shall be made—

''(i) at the same time as transfers to the Mass Transit Account of the Highway Trust Fund are made by the Secretary of the Treasury; and

''(ii) on the basis of estimates by the Secretary, in consultation with the Secretary of the Treasury, based on the most recent data available, with proper adjustments made in amounts subsequently transferred, to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

''(B) LIMITATION.—

''(i) IN GENERAL.—An adjustment under subparagraph (A)(ii) to any transfer may not exceed 5 percent of the transferred amount to which the adjustment relates.

''(ii) SUBSEQUENT ADJUSTMENTS.—If the adjustment required under subparagraph (A)(ii) exceeds that percentage, the excess shall be taken into account in making subsequent adjustments under subparagraph (A)(ii).

''(f) CONTRACT AUTHORITY.—There shall be rescinded or canceled any contract authority under this chapter (and any obligation limitation) authorized for a State for a fiscal year for which the State elects to participate in the alternative funding program.

''(g) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—Not later than 30 days after the date on which an amount is distributed to a State or State agency under this section, the Governor of the State shall certify to the Secretary that the State will maintain the effort of the State with regard to State funding for the types of projects that are funded by the amounts.

''(2) AMOUNTS.—The certification under paragraph (1) shall include a description of the amount of funds the State plans to expend from State sources for projects funded under the alternative funding program, during the fiscal year for which the State elects to participate in the alternative funding program.

''(h) TREATMENT OF GENERAL REVENUES.—For purposes of this section, any general revenue funds appropriated to the Highway Trust Fund shall be transferred to a State under the program in the manner described in subsection (e).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

''5341. Alternative funding of public transportation programs''.

SA 1599. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BUYING GOODS PRODUCED IN THE UNITED STATES.

(a) COMPLIANCE.—None of the amounts made available to carry out parts A and B of subtitle V of title 49, United States Code, may be expended by any entity unless the entity agrees that such expenditures will comply with the requirements under this section.

(b) PREFERENCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation may not obligate any funds appropriated to carry out parts A and B of subtitle V of title 49, United States Code, unless all the steel, iron, and manufactured products used in the project are produced in the United States.

(2) WAIVER.—The Secretary of Transportation may waive the application of paragraph (1) in circumstances in which the Secretary determines that—

(A) such application would be inconsistent with the public interest;

(B) such materials and products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) inclusion of domestic material would increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—For purposes of this subsection (b)(2)(C), labor costs involved in final assembly shall not be included in calculating the cost of components.

(d) MANUFACTURING PLAN.—The Secretary of Transportation shall prepare, in conjunction the Secretary of Commerce, a manufacturing plan that—

(1) promotes the production of products in the United States that are the subject of waivers granted under subsection (b)(2)(B);

(2) addresses how such products may be produced in a sufficient and reasonably available amount, and in a satisfactory quality, in the United States; and

(3) addresses the creation of a public database for the waivers granted under subsection (b)(2)(B).

(e) WAIVER NOTICE AND COMMENT.—If the Secretary of Transportation determines that a waiver of subsection (b)(1) is warranted, the Secretary, before the date on which such determination takes effect, shall—

(1) post the waiver request and a detailed written justification of the need for such waiver on the Department of Transportation's public website;

(2) publish a detailed written justification of the need for such waiver in the Federal Register; and

(3) provide notice of such determination and an opportunity for public comment for a reasonable period of time not to exceed 30 days.

(f) STATE REQUIREMENTS.—The Secretary of Transportation may not impose any limitation on amounts made available under this title to carry out parts A and B of subtitle V of title 49, United States Code, which—

(1) restricts a State from imposing requirements that are more stringent than the requirements under this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries, in projects carried out with such assistance; or

(2) prohibits any recipient of such amounts from complying with State requirements authorized under paragraph (1).

(g) CERTIFICATION.—The Secretary of Transportation may authorize a manufacturer or supplier of steel, iron, or manufactured goods to correct, after bid opening, any certification of noncompliance or failure to properly complete the certification (except for failure to sign the certification) under this section if such manufacturer or supplier attests, under penalty of perjury, and establishes, by a preponderance of the evidence, that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(h) REVIEW.—Any entity adversely affected by an action by the Department of Transportation under this section is entitled to seek judicial review of such action in accordance with section 702 of title 5, United States Code.

(i) MINIMUM COST.—The requirements under this section shall only apply to contracts for which the costs exceed $100,000.

(j) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

(k) FRAUDULENT USE OF ''MADE IN AMERICA'' LABEL.—An entity is ineligible to receive a contract or subcontract made with amounts appropriated under this title to carry out parts A and B of subtitle V of title 49, United States Code, if a court or department, agency, or instrumentality of the Government determines that the person intentionally—

(1) affixed a ''Made in America'' label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies, but were not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

SA 1600. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 14 and 15, insert:

''(C) WAIVER.—The Secretary may waive the requirement in subparagraph (A) for any State in which the State transportation agency and organizations representing local governments that own at least 80 percent of the local government bridges in the State are able to reach agreement on an alternative bridge investment strategy that provides an amount for bridges owned by public entities other than the State transportation agency equal to at least the amount of funds required to be obligated by the State for off-system bridges for fiscal year 2009 under section 144(f)(2), as in effect on the day before the date of enactment of the MAP-21.

SA 1601. Mr. MERKLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 1515 proposed by Mr. REID (for Mr. JOHNSON, of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division D, insert the following:

SEC. ___. CATEGORICAL EXCLUSION FOR STREETCAR PROJECTS.

Section 5323(r) of title 49, United States Code, as amended by this Act, is further amended—

(1) in paragraph (1), by striking ''streetcar, bus rapid transit,'' and inserting ''bus rapid transit''; and

(2) by adding at the end the following:

''(3) STREETCARS.—Not later than 60 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a notice of proposed rulemaking to amend section 771.117 of title 23, Code of Federal Regulations, to add streetcar projects to the list of actions under subsection (c) of such section 771.117 that meet the criteria for categorical exclusions.''.

SA 1602. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 24 and all that follows through page 77, line 9, and insert the following:

''(3) TERRITORIES.—The total obligations for projects under this section for any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed $20,000,000.

''(4) SUBSTITUTE TRAFFIC.—Notwithstanding

SA 1603. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 437, line 7, insert '', Federal land access transportation facilities,'' after ''facilities''.

SA 1604. Mr. MERKLEY (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 236, strike lines 18 through 23.

SA 1605. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in section 1105 (in the text amending section 104 of title 23, United States Code), insert the following:

''(e) PEDESTRIAN AND BICYCLE PROJECTS.—Notwithstanding any other provision of this title, not less than 2 percent of funds apportioned under this section shall be used for any of the following activities, regardless of whether the activities are carried out as part of any program or project authorized or funded under this title or as independent programs or projects relating to surface transportation:

''(1) Provision of facilities for pedestrian and bicycles.

''(2) Provision of safety and educational activities for pedestrians and bicyclists.

''(3) Preservation of abandoned railway corridors, including the conversion and use of the corridors for pedestrian or bicycle trails.

''(4)(A) The installation or modification of bicycle transportation and pedestrian walkways in accordance with section 217.

''(B) The modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(5) Recreational trails projects eligible for funding under section 206.

''(6) Safe routes to school projects eligible for funding under section 1404 of the SAFETEA–LU (23 U.S.C. 402 note; Public Law 109–59).

''(7) Provision of transportation choices, including—

''(A) on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including—

''(i) sidewalks;

''(ii) bicycle infrastructure;

''(iii) pedestrian and bicycle signals;

''(iv) traffic calming techniques;

''(v) lighting;

''(vi) other safety-related infrastructure; and

''(vii) transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

''(B) the planning, design, and construction of infrastructure-related projects and systems that will provide safe routes for nondrivers (including children, older adults, and individuals with disabilities) to access daily needs; and

''(C) activities for safety and education for pedestrians and bicyclists and to encourage walking and bicycling, including efforts to encourage walking and bicycling to school and community centers.''.

SA 1606. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BUY AMERICA PROVISIONS.

(a) SURFACE TRANSPORTATION.—Section 313 of title 23, United States Code, is amended by adding at the end the following:

''(g) APPLICATION TO HIGHWAY PROGRAMS.—The requirements under this section shall apply to all contracts for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title.''.

(b) TRANSIT PROVISIONS.—Section 5323(j) of title 49, United States Code, is amended by adding at the end the following:

''(10) APPLICATION TO TRANSIT PROGRAMS.—The requirements under this subsection shall apply to all contracts for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.''.

(c) AMTRAK.—Section 24305(f) of title 49, United States Code, is amended by adding at the end the following:

''(5) The requirements under this subsection shall apply to all contracts for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.''.

(d) APPLICATION TO INTERCITY PASSENGER RAIL SERVICE CORRIDORS.—Section 24405(a) of title 49, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (5) through (11) as paragraphs (4) through (10), respectively; and

(3) by adding at the end the following:

''(11) The requirements under this subsection shall apply to all contracts for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title.''.

SA 1607. Mrs. SHAHEEN (for herself, Ms. MURKOWSKI, Ms. COLLINS, Mr. LEVIN, Ms. KLOBUCHAR, Mr. SANDERS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 264, strike line 23 and all that follows through page 267, line 9, and insert the following:

''(5) SPECIAL RULES FOR SMALL METROPOLITAN PLANNING ORGANIZATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a metropolitan planning organization subject to this section and chapter 53 of title 49 (as in effect on the day before the date of enactment of the MAP-21) shall continue to be designated as a metropolitan planning organization subject to this section (as amended by that Act) if the metropolitan planning organization—

''(i) serves an urbanized area; and

''(ii) the population of the urbanized area is more than 50,000 individuals and less than 100,000 individuals.

''(B) EXCEPTION.—Subparagraph (A) shall not apply if the Governor and units of general purpose local government—

''(i) agree to terminate the designation described in subparagraph (A); and

''(ii) together represent at least 75 percent of the population described in subparagraph (A)(ii), based on the latest available decennial census conducted under section 141(a) of title 13, United States Code.

''(C) TREATMENT.—A metropolitan planning organization described in subparagraph (A) shall be treated, for purposes this section and chapter 53 of title 49 as a metropolitan planning organization that is subject to this section (as amended by the MAP-21).

On page 267, line 10, strike ''(8)'' and insert ''(6)''.

SA 1608. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC._____. BILL MAY NOT TAKE EFFECT BEFORE A BUDGET RESOLUTION IS IN EFFECT.

Notwithstanding any other provision of this Act, this Act shall not take effect before the date a concurrent resolution on the budget has been agreed to and is in effect for the fiscal year during which this Act was enacted.

SA 1609. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION—MISCELLANEOUS

SEC. __01. LIMITATION ON USE OF CERTAIN FUNDS BY THE DEPARTMENT OF DEFENSE FOR CAPITAL PROJECTS IN AFGHANISTAN; TRANSFER OF AMOUNTS TO HIGHWAY TRUST FUND.

(a) LIMITATION ON USE OF CERTAIN FUNDS FOR CAPITAL PROJECTS IN AFGHANISTAN.—

(1) IN GENERAL.—Notwithstanding section 9005 of the Department of Defense Appropriations Act, 2012 (Public Law 112–74), or any other provision of law, funds described in paragraph (2) may not be obligated or expended on or after the date of the enactment of this Act to carry out a capital project described in paragraph (3).

(2) FUNDS DESCRIBED.—Funds described in this paragraph are amounts—

(A) appropriated or otherwise made available to the Department of Defense by the Department of Defense Appropriations Act, 2012 (Public Law 112–74), for fiscal year 2012 for the Afghanistan Infrastructure Fund, the Commanders' Emergency Response Program, or any other program of the Department and available to carry out capital projects in Afghanistan; and

(B) available for obligation on or after the date of the enactment of this Act.

(3) CAPITAL PROJECTS DESCRIBED.—A capital project described in this paragraph is a capital project (as defined in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e))—

(A) carried out for the benefit of the host country in Afghanistan; and

(B) the cost of which exceeds $50,000.

(b) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that contains—

(1) a determination of the amount of funds described in subsection (a)(2) that would have been obligated and expended by the Department of Defense in fiscal year 2012 to carry out capital projects described in subsection (a)(3), based on the plans of the Department on such date of enactment to carry out such projects during that fiscal year, but for the limitation on the obligation and expenditure of such funds for such projects under subsection (a)(1); and

(2) a description of each capital project described in subsection (a)(3) for which amounts were obligated or expended during fiscal year 2012 and before the date of the enactment of this Act.

(c) TRANSFER OF AMOUNTS TO HIGHWAY TRUST FUND.—Section 9503(b) of the Internal Revenue Code of 1986, as amended by this Act, is further amended by adding at the end the following:

''(9) CERTAIN AMOUNTS PREVIOUSLY APPROPRIATED FOR CAPITAL PROJECTS IN AFGHANISTAN.—There is hereby appropriated to the Highway Trust Fund for fiscal year 2012 an amount equal to the amount of funds described in subsection (a)(2) of section __01 of the Moving Ahead for Progress in the 21st Century Act that the Secretary of Defense determines under subsection (b)(1) of that section would have been obligated or expended in fiscal year 2012 for capital projects described in subsection (a)(3) of that section but for the limitation on the obligation and expenditure of such funds for such projects under subsection (a)(1) of that section.''.

SA 1610. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 497, line 15, strike ''and'' after the semicolon.

On page 497, line 17, strike the period at the end and insert ''; and''.

On page 497, between lines 17 and 18, insert the following:

''(XVIII) improving the analysis of costs and benefits of climate change preparedness measures (including economic, social, and environmental costs and benefits), including cross-sector interactions between infrastructure (including transportation, energy, water, and telecommunication infrastructure) and natural systems (such as rivers).''.

SA 1611. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At end of subtitle E of title I, add the following:

SEC. ___. CAPACITY-BUILDING FOR NATURAL DISASTERS AND EXTREME WEATHER.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) EXTREME WEATHER.—The term ''extreme weather'' includes severe or unseasonable weather, heavy precipitation, a storm surge, flooding, drought, extreme heat, and extreme cold.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation, in consultation with (as appropriate)—

(A) the Administrator of the National Oceanic and Atmospheric Administration;

(B) the Director of the United States Geological Survey;

(C) the Administrator of the National Aeronautics and Space Administration;

(D) the Administrator of the Environmental Protection Agency;

(E) the Administrator of the Federal Emergency Management Agency; and

(F) the heads of other Federal agencies.

(b) DATA.—The Secretary shall determine and provide to transportation planners appropriate data on the impact on infrastructure of natural disasters and a higher frequency of extreme weather.

(c) TECHNICAL ASSISTANCE AND GUIDANCE.—The Secretary shall—

(1) provide technical assistance and guidance to help States, metropolitan planning organizations, and local governments plan for natural disasters and a greater frequency of extreme weather events when planning, citing, designing, and constructing transportation infrastructure by assessing vulnerabilities to a changing climate and the costs and benefits of adaptation measures (including economic, social, and environmental costs and benefits);

(2) continue to develop and enhance technical assistance and guidance on—

(A) integration of extreme weather preparedness into asset management and planning processes;

(B) identification of critical assets and vulnerabilities;

(C) selection and application of—

(i) analytical tools;

(ii) extreme weather models;

(iii) visualization software; and

(iv) appropriate data for extreme weather preparedness analyses;

(D) best practices in emergency response and evacuation;

(E) design, maintenance, and operations for infrastructure, including culverts;

(F) material selection and engineering standards;

(G) analysis of the costs and benefits of adaptation measures (including economic, social, and environmental costs and benefits);

(H) statistical and hydrological flood plain projection methods taking climate scenarios into account and

(I) public and stakeholder engagement in adaptation planning;

(3) conduct enhanced extreme weather preparedness pilot programs that are integrated with the long-range transportation plans of metropolitan planning organizations;

(4) integrate extreme weather scenarios into a public planning process that considers multiple transportation and land use scenarios; and

(5) include targeted capacity-building in each of the actions described in this subsection.

SA 1612. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SECTION _____. DENALI COMMISSION.

(a) REAUTHORIZATION OF THE DENALI COMMISSION ACCESS SYSTEM PROGRAM.—Section 309(j)(1) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended by striking ''2006 through 2009'' and inserting ''2012 through 2013''.

(b) AUTHORITY TO ACCEPT DONATIONS AND TRANSFERRED FUNDS.—The Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended—

(1) in section 305, by striking subsection (c) and inserting the following:

''(c) GIFTS OR DONATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may accept use, and dispose of gifts or donations of services, property, or money.

''(2) CONDITIONAL.—With respect to conditional gifts—

''(A)(i) the Commission may accept conditional gifts, if approved by the Federal Cochairperson; and

''(ii) the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with the condition applicable to the gift; but

''(B) no gift shall be accepted that is conditioned on any expenditure not to be funded from the gift or from the income generated by the gift unless the expenditure has been approved by Act of Congress.''; and

(2) by adding at the end the following:

''SEC. 311. TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES.

''(a) IN GENERAL.—Subject to subsection (c), for purposes of this Act, the Commission may accept transfers of funds from other Federal agencies.

''(b) TRANSFERS.—Any Federal agency authorized to carry out an activity that is within the authority of the Commission may transfer to the Commission any appropriated funds for the activity.

''(c) TREATMENT.—Any funds transferred to the Commission under this subsection—

''(1) shall remain available until expended; and

''(2) may, to the extent necessary to carry out this Act, be transferred to, and merged with, the amounts made available by appropriations Acts for the Commission by the Federal Cochairperson.''.

SA 1613. Mr. BEGICH (for himself, Mr. WARNER, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1515 proposed by Mr. REID (for Mr. JOHNSON of South Dakota (for himself and Mr. SHELBY)) to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In division D, on page 248, line 6, strike the quotation marks and the second period and insert the following:

''(s) RECEIPTS FROM PRIVATE PROVIDERS OF PUBLIC TRANSPORTATION ELIGIBLE FOR LOCAL SHARE.—The non-Government share of the cost of a capital project carried out by a recipient of funding under this chapter may include an amount equal to the amount that a private provider of public transportation receives from providing public transportation service in the service area of the recipient that is in excess of the operating costs of the service provided, if the rolling stock used to provide the service—

''(1) has been privately acquired; and

''(2) has not been acquired using any Government capital assistance.''.

SA 1614. Ms. KLOBUCHAR (for herself, Mr. CASEY, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. BROWN of Ohio, Mr. FRANKEN, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRESERVING ACCESS TO LIFE-SAVING MEDICATION.

(a) DRUG SHORTAGES.—

(1) EXPANSION OF NOTIFICATION REQUIREMENT REGARDING POTENTIAL SHORTAGES OF PRESCRIPTION DRUGS.—Section 506C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is amended—

(A) in the section heading, by striking ''**DISCONTINUANCE OF A LIFE SAVING PRODUCT**'' and inserting ''**DISCONTINUANCE OR INTERRUPTION OF THE MANUFACTURE OF A PRESCRIPTION DRUG**''; and

(B) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—

''(1) DEFINITION.—In this section, the terms 'drug shortage' and 'shortage', when used with respect to a drug, mean a period of time when the total supply of all versions of a drug available at the user level will not meet the current demand for the drug at the user level.

''(2) NOTIFICATION.—A manufacturer of a drug described in paragraph (3) shall notify the Secretary of a discontinuance, interruption, or other adjustment of the manufacture of the drug that would likely result in a shortage of such drug—

''(A) in the case of a discontinuance or planned interruption or adjustment, at least 6 months prior to the date of such discontinuance or planned interruption or adjustment; and

''(B) in the case of any other interruption or adjustment, as soon as practicable after becoming aware of such interruption or adjustment.

''(3) DRUGS DESCRIBED.—A drug described in this paragraph is a drug—

''(A) for which an application has been approved under section 505(b) or 505(j);

''(B) that is described in section 503(b)(1); and

''(C) that is not a product that was originally derived from human tissue and was replaced by a recombinant product.

''(4) TYPES OF ADJUSTMENTS.—An adjustment for which a manufacturer shall submit a notification under paragraph (2) includes—

''(A) adjustments related to the supply of raw materials, including active pharmaceutical ingredients;

''(B) adjustments to production capabilities;

''(C) business decisions that may affect the manufacture of the drug, such as mergers, discontinuations, and a change in production output; and

''(D) other adjustments as determined appropriate by the Secretary.

''(5) MODIFICATION OF TIME FRAMES.—The Secretary may adjust the required time frame under paragraph (2) as determined appropriate by the Secretary based on—

''(A) the type of interruption or adjustment at issue; and

''(B) any other factor, as determined by the Secretary.

''(6) ENFORCEMENT.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations establishing a schedule of civil monetary penalties for failure to submit a notification as required under this subsection.''.

(2) CONFIDENTIALITY OF INFORMATION.—Section 506C(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c(c)) is amended to read as follows:

''(c) CONFIDENTIALITY OF INFORMATION.—The Secretary shall ensure the confidentiality of proprietary information submitted in a notification under subsection (a).''.

(3) PUBLIC NOTIFICATION.—Section 506C of the Federal Food, Drug, and Cosmetic Act

(21 U.S.C. 356c) is amended by adding at the end the following:

''(d) PUBLIC NOTIFICATION.—

''(1) NOTIFICATION OF SHORTAGES.—The Secretary shall publish information on the types of adjustments for which a notification is required under subsection (a)(4) and on actual drug shortages on the Internet Web site of the Food and Drug Administration and, to the maximum extent practicable, distribute such information to appropriate health care provider and patient organizations.

''(2) IDENTIFICATION AND NOTIFICATION OF DRUGS VULNERABLE TO DRUG SHORTAGE.—

''(A) IN GENERAL.—The Secretary shall implement evidence-based criteria for identifying drugs that may be vulnerable to a drug shortage. Such criteria shall be based on—

''(i) the number of manufacturers of the drug;

''(ii) the sources of raw material or active pharmaceutical ingredients;

''(iii) the supply chain characteristics, such as production complexities; and

''(iv) the availability of therapeutic alternatives.

''(B) NOTIFICATION.—If the Secretary determines using the criteria under subparagraph (A) that a drug may be vulnerable to a drug shortage, the Secretary shall notify the manufacturer of the drug of such determination and of the collaboration described under paragraph (3).

''(3) CONTINUITY OF OPERATIONS PLANS.—The Secretary shall collaborate with manufacturers of drugs identified pursuant to paragraph (2) to establish and improve continuity of operations plans with respect to medically necessary drugs, as defined by the Secretary, so that such plans include a process for addressing drug shortages.''.

(b) MANUFACTURER REVIEW.—Section 510(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)) is amended—

(1) by striking ''(h)'' and inserting ''(h)(1)''; and

(2) by inserting at the end the following:

''(2)(A) If an establishment registered with the Secretary pursuant to this section is subject to a reinspection due to failure to comply with a requirement of this Act, the Secretary shall conduct such reinspection not later than 90 days after the establishment certifies to the Secretary that the establishment has corrected the reason for such failure.

''(B) The Secretary shall prioritize reinspections described in subparagraph (A) based on whether the establishment involved manufactures, propagates, compounds, or processes a drug involved in a drug shortage (as defined in section 506C).''.

(c) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and on an annual basis thereafter, the Secretary of Health and Human Services shall submit to Congress a report that describes the actions taken by such Secretary during the previous 1-year period to address drug shortages through all aspects of the prescription drug supply chain.

SA 1615. Ms. KLOBUCHAR (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 509, between lines 2 and 3, insert the following:

''(I) HIGH-RISK RURAL ROADS BEST PRACTICES.—

''(i) STUDY.—

''(I) IN GENERAL.—The Secretary shall conduct a study of the best practices for implementing cost-effective roadway safety infrastructure improvements on high-risk rural roads.

''(II) METHODOLOGY.—In carrying out the study, the Secretary shall—

''(aa) conduct a thorough literature review;

''(bb) survey current practices of State departments of transportation; and

''(cc) survey current practices of local units of government, as appropriate.

''(III) CONSULTATION.—In carrying out the study, the Secretary shall consult with—

''(aa) State departments of transportation;

''(bb) county engineers and public works professionals;

''(cc) appropriate local officials; and

''(dd) appropriate private sector experts in the field of roadway safety infrastructure.

''(ii) REPORT.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study.

''(II) CONTENTS.—The report shall include—

''(aa) a summary of cost-effective roadway safety infrastructure improvements;

''(bb) a summary of the latest research on the financial savings and reduction in fatalities and serious bodily injury crashes from the implementation of cost-effective roadway safety infrastructure improvements; and

''(cc) recommendations for State and local governments on best practice methods to install cost-effective roadway safety infrastructure on high-risk rural roads.

''(iii) MANUAL.—

''(I) DEVELOPMENT.—Based on the results of the study under clause (ii), the Secretary, in consultation with the individuals and entities described in clause (i)(III), shall develop a best practices manual to support Federal, State, and local efforts to reduce fatalities and serious bodily injury crashes on high-risk rural roads through the use of cost-effective roadway safety infrastructure improvements.

''(II) AVAILABILITY.—The manual shall be made available to State and local governments not later than 180 days after the date of submission of the report under clause (ii).

''(III) CONTENTS.—The manual shall include, at a minimum, a list of cost-effective roadway safety infrastructure improvements and best practices on the installation of cost-effective roadway safety infrastructure improvements on high-risk rural roads.''.

SA 1616. Ms. KLOBUCHAR (for herself and Mr. WARNER) submitted an amendment intended to be proposed by her to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. _____. INCLUSION OF BROADBAND CONDUIT INSTALLATION IN CERTAIN HIGHWAY CONSTRUCTION PROJECTS.

Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

''§ 330. Inclusion of broadband conduit installation in certain highway construction projects

''(a) DEFINITIONS.—In this section:

''(1) BROADBAND.—The term 'broadband' means an Internet Protocol-based transmission service that enables users to send and receive voice, video, data, or graphics, or a combination of those items.

''(2) BROADBAND CONDUIT.—The term 'broadband conduit' means a conduit for fiber optic cables that support broadband or, where appropriate, wireless facilities for broadband service.

''(3) COVERED HIGHWAY CONSTRUCTION PROJECT.—The term 'covered highway construction project' means a project to construct a new highway or to construct an additional lane or shoulder for an existing highway that—

''(A) is commenced after the date of enactment of this section; and

''(B) receives funding under this title.

''(b) REQUIREMENT.—The Secretary shall require States to install 1 or more broadband conduits in accordance with this section as part of any covered highway construction project.

''(c) INSTALLATION REQUIREMENTS.—In carrying out subsection (b), the Secretary shall ensure, to the maximum extent practicable with respect to a covered highway construction project, that—

''(1) an appropriate number of broadband conduits, as determined by the Secretary, are installed along the highway to accommodate multiple broadband providers, with consideration given to the availability of existing conduits;

''(2) the size of each such conduit is consistent with industry best practices and is sufficient to accommodate potential demand, as determined by the Secretary; and

''(3) hand holes and manholes for fiber access and pulling with respect to each such conduit are placed at intervals consistent with industry best practices, as determined by the Secretary.

''(d) STANDARDS.—In establishing standards to carry out subsection (c), the Secretary shall take into consideration—

''(1) population density in the area of a covered highway construction project;

''(2) the type of highway involved in the project; and

''(3) existing broadband access in the area of the project.

''(e) PULL TAPE.—Each broadband conduit installed pursuant to this section shall include a pull tape and be capable of supporting fiber optic cable placement techniques consistent with industry best practices, as determined by the Secretary.

''(f) ACCESS.—The Secretary shall ensure that any requesting broadband provider has access to each broadband conduit installed pursuant to this section, on a competitively neutral and nondiscriminatory basis, for a charge not to exceed a cost-based rate.

''(g) DEPTH OF INSTALLATION.—Each broadband conduit installed pursuant to this section shall be placed at a depth consistent with industry best practices, as determined by the Secretary, after consideration is given to the location of existing utilities and the cable separation requirements of State and local electrical codes.

''(h) WAIVER AUTHORITY.—The Secretary may waive the application of this section or any provision of this section if the Secretary determines that, upon a showing of undue burden or that a covered highway construction project is not necessary based on the availability of existing broadband conduit infrastructure, cost-benefit analysis, or consideration of other relevant factors, the waiver is appropriate with respect to a covered highway construction project.

''(i) COORDINATION WITH FCC.—In carrying out this section, the Secretary shall coordinate with the Federal Communications Commission, including with respect to determinations regarding—

''(1) potential demand under subsection (c)(2);

''(2) existing broadband access under subsection (d)(3);

''(3) pull tape requirements under subsection (e); and

''(4) depth-of-installation standards under subsection (g).''.

SEC. _____. CONFORMING AMENDMENT.

The analysis for chapter 3 of title 23, United States Code, is amended by adding at the end the following:

''330. Inclusion of broadband conduit installation in certain highway construction projects.''.

SA 1617. Ms. KLOBUCHAR (for herself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 32101, add at the end the following:

(d) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended to read as follows:

''(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State, to—

''(A) drivers transporting agricultural commodities in the State from the source of the agricultural commodities to a location within a 100 air-mile radius from the source;

''(B) drivers transporting farm supplies for agricultural purposes in the State from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 100 air-mile radius from the distribution point; or

''(C) drivers transporting farm supplies for agricultural purposes in the State from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 100 air-mile radius from the wholesale distribution point.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 14, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 14, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The President's Budget for Fiscal Year 2013.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 14, 2012, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''Pain in America: Exploring Challenges to Relief'' on February 14, 2012, at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate, on February 14, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS SUBMITTED TODAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 373, S. Res. 374, and S. Res. 375.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the resolutions en bloc.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 373

Recognizing February 14, 2012, as the Centennial of the State of Arizona

Whereas, after many changes in government administration, territorial divisions, and additions, including lands acquired through the Treaty of Guadalupe Hidalgo and the Gadsden Purchase, the Territory of Arizona came into existence nearly 150 years ago after serving as a sacred home to native cultures for thousands of years;

Whereas Arizona is home to many of the greatest natural treasures of the United States, including the Sedona Red Rocks, the White Mountains, the Painted Desert, the Petrified Forest, Monument Valley, Saguaro National Park, the 12,000-foot San Francisco Peaks, and the Grand Canyon, 1 of the 7 natural wonders of the world, which explorer John Wesley Powell said could not be ''adequately represented in symbols of speech, nor by speech itself'';

Whereas Arizona is also home to man-made wonders, including innovative projects that have allowed much-needed fresh water to flow to Arizona communities for decades, such as the Hoover Dam, the Glen Canyon Dam, the Central Arizona Project, the Salt River Project, and the keystone element of the Salt River Project, the Theodore Roosevelt Dam;

Whereas Arizona has long been recognized for being rich in natural resources, including the famous ''5 C's'', copper, cattle, cotton, citrus, and climate, that continue to sustain the economies of Arizona and the United States;

Whereas Arizona is a mosaic of cultures, cuisines, and traditions, drawing continuing influence from 21 proud American Indian tribes and the early prospectors, ranchers, cowboys, adventurers, and missionaries, as well as a dynamic Latino community;

Whereas all of these Arizonans were, and remain, bound by a strong sense of independence and a willingness to persevere against the odds, and are again picking themselves up in the wake of devastating wildfires and economic challenges;

Whereas this unique Arizona spirit has nurtured leaders in the arts, justice, conservation, and science, as well as some of the greatest statesmen in the 20th century United States, including Senators Ernest McFarland, Carl Hayden, and Barry Goldwater, Representative Morris Udall, and Supreme Court Justices William Rehnquist and Sandra Day O'Connor;

Whereas the many military installations in Arizona have provided valuable contributions to the defense of the United States and will continue to do so for years to come;

Whereas, after nearly half a century as a territory of the United States, Arizona became the 48th State of the United States, and the last contiguous State, on February 14, 1912;

Whereas the people of the United States now have the opportunity to celebrate the natural splendor, innovative spirit, and cultural diversity that have made Arizona so special for the past 100 years and will continue to make Arizona special for centuries to come: Now, therefore, be it

Resolved, That the Senate recognizes February 14, 2012 as the centennial of the State of Arizona.

S. RES. 374

Supporting the mission and goals of 2012 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States

Whereas each year, approximately 19,000,000 individuals in the United States are victims of crime, including more than 4,000,0000 victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;

Whereas although the United States has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains;

Whereas despite impressive accomplishments during the past 40 years in the rights of and services available to crime victims, there remain many challenges to ensure that all victims—

(1) are treated with fairness, dignity, and respect;

(2) are offered support and services regardless of whether the victims report crimes committed against them; and

(3) are recognized as key participants within systems of justice in the United States when the victims do report crimes;

Whereas observing the rights of victims and treating victims with fairness, dignity, and respect serve the public interest by—

(1) engaging victims in the justice system;

(2) inspiring respect for public authorities; and

(3) promoting confidence in public safety;

Whereas the people of the United States recognize that we make our homes, neighborhoods, and communities safer and stronger by serving victims of crime and ensuring justice for all;

Whereas in each of the last 30 years, communities throughout the United States have joined Congress and the Department of Justice in observing National Crime Victims' Rights Week to celebrate a vision of a comprehensive and just response to all victims of crime;

Whereas, the theme of 2012 National Crime Victims' Rights Week, celebrated on April 22, 2012, through April 28, 2012, is ''Extending the Vision: Reaching Every Victim,'' which highlights the importance of ensuring that services are available for all victims of crime; and

Whereas the people of the United States appreciate the continued importance of promoting victims' rights and honoring crime victims and those who advocate on their behalf: Now, therefore, be it

Resolved, That the Senate—

(1) supports the mission and goals of 2012 National Crime Victims' Rights Week to increase public awareness of—

(A) the impact on victims and survivors of crime; and

(B) the constitutional and statutory rights and needs of those victims and survivors; and

(2) recognizes that fairness, dignity, and respect comprise the very foundation of how victims and survivors of crime should be treated.

S. RES. 375

Celebrating the bicentennial of the City of Columbus, the capital city of the State of Ohio

Whereas in 1787, Congress enacted the Northwest Ordinance to settle claims following the American Revolution and begin the westward expansion of our Nation;

Whereas in 1803, Ohio was admitted as the 17th State in the Union, becoming the first territory of the Northwest Ordinance to achieve statehood;

Whereas in 1812, the Ohio General Assembly was offered land along the Scioto River in Central Ohio to serve as the capital of the State, due to its central location;

Whereas on February 14, 1812, the Ohio General Assembly officially designated the new capital city as Columbus, in honor of Christopher Columbus;

Whereas Columbus emerged as a trading and transportation hub through the influence of the Ohio & Erie Canal and the National Highway;

Whereas on March 3, 1834, 31 years after Ohio achieved statehood, Columbus was officially chartered as a city because of its growing population;

Whereas during the Civil War, Columbus was home to Camp Chase, a major base for the Union Army that housed 26,000 troops, Camp Jackson, an assembly center for recruits, and Columbus Barracks, which served as an arsenal;

Whereas Columbus was a major outpost on the Underground Railroad, led by the Kelton family, who assisted fugitive slaves on their road to freedom;

Whereas in 1870, the Ohio General Assembly used to the Morrill Land Grant Act to create the Ohio Agricultural and Mechanical College, which was renamed the Ohio State University in 1878 and is presently one of the Nation's premier public universities and an anchor for economic activity in the City of Columbus;

Whereas Columbus is home to other world-class institutions of higher learning, including Capital University, established in 1830, Columbus College of Art and Design, established in 1879, Pontifical College Josephinum, established in 1888, Franklin University, established in 1902, Mount Carmel College of Nursing, established in 1903, Ohio Dominican University, established in 1911, and Columbus State Community College, established in 1963;

Whereas Columbus is home to some of the Nation's earliest schools for Americans living with disabilities, having established the Ohio School for the Deaf in 1829 and the Ohio State School for the Blind in 1837;

Whereas Columbus is of historical importance to the organized labor movement, as one of the Nation's first federations of labor, the American Federation of Labor, was founded in Columbus in 1886;

Whereas the American Veterans of Foreign Service, the earliest organization of veterans of foreign wars, was founded in Columbus in 1899;

Whereas in the late 19th century and the early 20th century, Columbus saw the rise of manufacturing and steel businesses, brewers, and cultural and arts institutions, such as the Southern Theatre;

Whereas leading retail corporations, health care and insurance companies, and financial institutions call Columbus their home, attracted by the city's world-class workforce and cultural outlets;

Whereas Columbus serves as a leader in cutting-edge medical research and hospital systems through the Ohio State Medical Center and the Arthur James Cancer Hospital and Richard J. Solove Research Institute, Nationwide Children's Hospital, Mt. Carmel Hospital, Riverside Community Hospital, and Grant Medical Center;

Whereas Columbus is home to green space and parks that are used as both community gathering locations and to honor pioneers, including Shrum Mound, one of the last remaining conical burial mounds in the United States, which dates back more than 2,000 years;

Whereas Columbus is also home to the Midwest's largest Fourth of July Festival and the famed Ohio State Fair;

Whereas Columbus combines excellence in art and culture with professional sports teams such as the Columbus Clippers, the Columbus Crew, and the Columbus Blue Jackets;

Whereas Columbus is Ohio's most populous city and the 15th largest city in the United States, as well as one of the fastest growing cities in the Eastern United States;

Whereas February 14, 2012, marks the 200th anniversary of the founding of Columbus, Ohio; and

Whereas the citizens of Columbus will commemorate a year-long bicentennial celebration with the theme of ''Honor the Past. Celebrate the Present. Envision the Future.'': Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the bicentennial anniversary of the founding of the City of Columbus, the capital of the State of Ohio; and

(2) honors the important economic, cultural, educational, and artistic contributions that the people of Columbus have made to this Nation over the past 200 years.

Mr. BROWN of Ohio. Mr. President, I would like to speak on one of these resolutions, S. Res. 375, about the Columbus, OH, bicentennial.

Today marks the 200th anniversary of the founding of the city of Columbus, our largest city, one of the great cities of America, the capital of the great State of Ohio. I have lived in different neighborhoods in Columbus over the last 30 years—from German Village to Berwick to the Hilltop. My grandson and his parents live in Clintonville, a great neighborhood in the north side of Columbus. Our daughter lives in the Short North, one of the most exciting places of any city in the Midwest.

For 200 years Columbus has been a hub of economic and cultural activity for the State. We talk often in Columbus about the great brain gain; how Columbus is one of the fastest growing cities in the Midwest and east of the Mississippi.

Columbus started in its early days as a trading post along the Scioto River and continued as steamboats and railroads connected more people with new opportunities and new commerce. I should add that the Presiding Officer, if I am allowed to say this, once lived in the great city of Columbus. I think I am allowed to say that. He now is the very able junior Senator from Colorado.

During the Civil War, Columbus became an important location for the Union Army, and something I am more particularly proud of, the Underground Railroad. Through the turmoil of that era, President Lincoln signed the Morrill Act, which led to the creation of the Ohio Agricultural and Mechanical College in 1870. In 1878 it was renamed Ohio State University.

Today, OSU is one of the Nation's premiere public universities, and there are many other institutions of higher learning in Columbus: Capital University, established much earlier than that, 1830; the Columbus College of Art and Design, established in 1879; the Pontifical College Josephinum, established in 1888; Franklin University, established in 1902; the Mount Carmel College of Nursing in 1903; Ohio Dominican University, established in 1911, the year my father was born; and the Columbus State Community College, part of the great group of community colleges who were visiting the Capitol today—many people from those colleges—established in 1963.

Columbus is home to some of the Nation's earliest schools for Americans living with disabilities. The Ohio School for the Deaf was established in 1829. Many graduates of that school have gone on to Gallaudet University located in Washington, founded during the Civil War by Abraham Lincoln, the most outstanding school of its kind in the country. The Ohio School for the Blind was established in 1837.

In 2011, the Columbus library system was named the best in the United States, the recipient of the National Medal for Museum and Library Service. Columbus prospered in the post-Civil-War era through new banks, expanded railroad networks, extended streetcar service, and the city's first waterworks system. Manufacturers from horse-and-buggy manufacturers, to steel, and brewers made Columbus an important location for organized labor. The American Federation of Labor later merged with the Congress of Industrial Organizations into what we know today as the

AFL–CIO. The American Federation of Labor was founded in Columbus 116 years ago in 1886.

Today the legacy of advanced manufacturing continues at Ohio's cutting-edge Edison Networks, the Ohio Manufacturing Association, and Battelle. The spirit of the labor movement continues as workers of the Columbus local unions represent all types of industries and professions.

Attracted by world-class workforces and cultural outlets, leading retail corporations, health care, insurance companies, and financial institutions such as the Limited, Nationwide, Grange, Cardinal Health, and Huntington all call Columbus their home.

Columbus is a leader in cutting-edge medical research and hospital systems. We see it at the Ohio State Medical Center, the Arthur James Cancer Hospital, the Richard J. Solove Research Institute, and Nationwide Children's Hospitals. Of the top 10 Children's Hospitals in America, three of them are in Ohio consistently: Cleveland, Columbus, and Cincinnati, in addition to other great Children's Hospitals in Ohio: Mount Caramel Hospital, Riverside Community Hospital, and Grant Medical Center.

Columbus is a crown jewel of arts and culture in the Midwest. The majestic Southern Theatre, Southern Theatre and Hotel attracted world-class performances for more than 100 years. The Southern Hotel was one of President Theodore Roosevelt's favorite stops as he traveled through the Midwest.

The Short North is the epicenter of the burgeoning art scene, home to galleries, parks, and restaurants such as Betty's, the Happy Greek, Jeni's Ice Cream, and the North Market that attract an incredible number of young people with energy and commitment to that city.

It hosts some of the Midwest's largest concerts, fairs, and festivals ranging from ComFest to the Pride Festival. Columbus is also home to the Midwest's largest Fourth of July festival and the very famous Ohio State Fair.

Mayor Coleman and the Columbus Partnership, which is much more than just business organizations, are doing a tremendous job promoting economic development from the South Campus Gateway to the Short North, to the Scioto riverfront and the German Village.

Like Ohioans across the State, our people have long served those who serve us. One of the first Veterans of Foreign Wars chapters in the country was founded in Columbus in 1899.

Aside from the Buckeyes of Ohio State, Columbus is home to professional sports teams, including the Columbus Clippers, the Columbus Crew, and the Blue Jackets.

This year, Columbus will commence a year-long bicentennial celebration, with the theme ''Honoring the Past. Celebrate the Present. Envision the Future.'' In doing so, it will celebrate the economic, cultural, educational, and artistic contributions of the people of Columbus to our great State and Nation.

On behalf of the Senate, with unanimous consent, I wish all the citizens of Columbus a happy 200th anniversary.

MEASURE READ THE FIRST TIME—S. 2105

Mr. BROWN of Ohio. Mr. President, I understand that S. 2105, introduced earlier today by Senator LIEBERMAN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The bill clerk read as follows:

A bill (S. 2105) to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Mr. BROWN of Ohio. Mr. President, I now ask unanimous consent for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 27, 2012, at a time to be determined by the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1091, as modified by the order of February 14, 2012, appoints the Senator from New Hampshire (Mrs. SHAHEEN) to read Washington's Farewell Address on Monday, February 27, 2012.

ORDERS FOR WEDNESDAY, FEBRUARY 15, 2012

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate adjourn until 9:30 on Wednesday, February 15, 2012; 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 be in a period of morning business until noon, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; that following morning business, the Senate proceed to executive session and resume consideration of the Jordan nomination, with 2 minutes of debate equally divided and controlled in the usual form prior to a vote on confirmation of the Jordan nomination; that upon confirmation of the nomination, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session and consideration of S. 1813, the surface transportation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, the first vote tomorrow will be at approximately noon on confirmation of the Jordan nomination. Additional votes in relation to amendments to the surface transportation bill are possible.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Wednesday, February 15, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

OVERSEAS PRIVATE INVESTMENT CORPORATION

JAMES M. DEMERS, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2014, VICE KEVIN GLENN NEALER, TERM EXPIRED.

NAOMI A. WALKER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012, VICE CHRISTOPHER J. HANLEY, TERM EXPIRED.