Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—8

Andrews
Filner
Kaptur
Marino
Napolitano
Paul
Rangel
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1346

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 166, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, April 18, 2012, I was absent during rollcall vote No. 166 due to a family medical emergency. Had I been present, I would have voted "no" on agreeing to H. Res. 619 Providing for consideration of the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of multiyear law reauthorizing such programs, and for other purposes.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 295, nays 118, answered "present" 2, not voting 16, as follows:

[Roll No. 167]

YEAS—295

Ackerman
Aderholt
Akin
Alexander
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Becerra
Berg
Berkley
Berman
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Cicilline
Clarke (MI)
Clay
Cleaver
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Farenthold
Farr
Fattah
Fincher
Flake
Fleischmann
Fleming
Flores
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gibbs
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Al
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hanabusa
Harper
Hastings (WA)
Hayworth
Heinrich
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
Loebsack
Long
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Mack
Marchant
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neugebauer
Noem
Nunes
Nunnelee
Olson
Palazzo
Pascrell
Pelosi
Pence
Perlmutter
Petri
Pitts
Platts
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rehberg
Reyes
Richardson
Richmond
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tierney
Tonko
Tsongas
Turner (NY)
Upton
Van Hollen
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wolf
Womack
Woolsey
Yarmuth
Young (FL)
Young (IN)

NAYS—118

Adams
Altmire
Baldwin
Bass (CA)
Benishek
Biggert
Boren
Boswell
Brady (PA)
Burgess
Capuano
Cardoza
Castor (FL)
Chandler
Chu
Clarke (NY)
Clyburn
Coffman (CO)
Conaway
Costa
Costello
Courtney
Cravaack
Critz
DeFazio
Dent
DesJarlais
Dold
Donnelly (IN)
Duffy
Fitzpatrick
Forbes
Foxx
Gardner
Gerlach
Gibson
Graves (MO)
Green, Gene
Griffin (AR)
Grijalva
Hall
Hanna
Harris
Hartzler
Hastings (FL)
Heck
Herrera Beutler
Himes
Holden
Hoyer
Huelskamp
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (OH)
Jones
Keating
Kind
Kinzinger (IL)
Kucinich
Langevin
Latham
Lee (CA)
Lewis (GA)
LoBiondo
Luetkemeyer
Lynch
Maloney
Manzullo
Matheson
McCotter
McDermott
McGovern
Meehan
Miller (FL)
Miller, George
Mulvaney
Neal
Nugent
Olver
Pallone
Pastor (AZ)
Paulsen
Pearce
Peters
Peterson
Poe (TX)
Quayle
Reed
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schilling
Shuler
Stark
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tipton
Towns
Turner (OH)
Velázquez
Visclosky
Walden
Walsh (IL)
Wittman
Woodall
Yoder
Young (AK)

ANSWERED "PRESENT"—2

Amash
Owens

NOT VOTING—16

Andrews
Eshoo
Filner
Gohmert
Kaptur
Labrador
Lofgren, Zoe
Marino
Napolitano
Paul
Pingree (ME)
Rangel
Rivera
Slaughter
Walberg
Waters

□ 1352

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. RIVERA. Mr. Speaker, on rollcall No. 167, I was unavoidably delayed. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 167, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4348.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 619 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4348.

The Chair appoints the gentleman from Georgia (Mr. WESTMORELAND) to preside over the Committee of the Whole.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes, with Mr. WESTMORELAND in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, today we bring up the Surface Transportation Extension Act of 2012. This is the second part of an extension that we passed previously. Just before the Congress recessed and went into the Easter work period and holiday, the House did pass a 90-day extension, and that extension expires on June 30, 2012. The extension before us today is an additional 90-day extension. The purpose of this extension is so that we can hopefully bring about resolution and conference legislation to complete our transportation bill.

Now, the previous extension was the ninth extension, and the Democrats—the other side of the aisle—were forced to pass a sixth extension, so I'm hoping that this will be our last extension and that it will also provide us a vehicle to conclude this important work that so many jobs across this country are relying on. The building of our Nation's infrastructure is tied to this work and to the completion of this important task.

This is a fairly clean extension. There are a couple of provisions in here, I think, that will provide increased energy for the country; and if anyone has not felt the pain at the pump, all they need to do is go to a local gas station. I saw today that the lowest-cost gas in a local station not a couple blocks from here was $4.45 a gallon. This particularly hurts the working men and women of America and those on fixed or limited incomes. I think the provision that we have here is an excellent provision, and I'll talk a little bit more about this.

This again is a vehicle that can deliver us to the completion of the important work. This extension has levels of funding that are consistent with the transportation appropriations bill which was signed by the President in November. Then we'll consider, I believe, three amendments that have been made in order by the Rules Committee. Let me talk about them again very briefly.

First, the Keystone pipeline provision. This administration is still meandering not only on transportation legislation but also on energy legislation, and it has not found its way, unfortunately, for the American people.

□ 1400

But this bill can provide us reliable sources of energy. We're talking about a pipeline and a source from a good ally and neighbor in the North American continent. We're not talking about relying on Venezuela, the Middle East, or Nigeria, where we get a lot of our supplies for energy today. So it can provide again some stability, some reduction in price for the consumer, particularly when they're so hard hit at this time. We will have more to talk about with it.

In regard to the Keystone pipeline, this pipeline has been studied to death. This administration, for over 3 years, has delayed approval. The President has approved a small part in one section of the country—or at least he says he would. You can't build a pipeline that can actually deliver energy at a lower cost in reliable fuel in a piecemeal fashion. The Keystone pipeline has been studied for about 3½ years now, while they built the entire Alaska pipeline in that period of time. So the time for studying, for delay, and for not acting on reducing energy costs and increasing supply has ended.

Additionally, we have a couple of other provisions in here which I'm supportive of. One is the RESTORE Act, which creates the Gulf Restoration Trust Fund, and that provides for a fair and equitable manner for division of the penalties collected by those responsible for the Deepwater Horizon oil spill. I think that that is a provision that can also help a lot of our Gulf States that were hard hit and impacted by that disaster.

Finally, I think another amendment that I think is very laudatory is one by Mr. RIBBLE that has been made in order, and that carries, from H.R. 7, a lot of the streamlining provisions that we think are so important to getting projects done.

President Obama promised us infrastructure when they sold a $787 billion so-called stimulus package. Mr. Oberstar and I came back here. At the time, they were looking at a $250 to $300 billion stimulus bill, of which 50 percent would be, in fact, infrastructure. As it turned out, it was 6 or 7 percent. That's some $63 billion.

Last October, there was still 35 percent of the $63 billion for infrastructure stuck in the Treasury in Washington, D.C., 2½ years after we passed the stimulus. So you can pass all the transportation bills you want, and if you can't deliver the project and cut the red tape and paperwork that Washington thrives on, then you can't get anything done. That provision is so important in moving transportation legislation forward that can make a difference in getting projects done.

In the hearings that we did across the country, starting in Mr. RAHALL's district—the Democrat leader of the committee—in Beckley, West Virginia, we heard at every single hearing all the way to the west coast when we did a bipartisan, unprecedented bicameral with Senator BOXER hearing on that coast, every single hearing, almost without question, most of the witnesses all said that we needed to speed up the projects.

''Shovel ready'' has become a national joke, and we've got to end that sad joke that doesn't allow us to go forward. I think the Ribble amendment will do that.

With that, I think we have a vehicle that we can get to conference and work in a bipartisan and bicameral manner to get the job done.

Mr. Chairman, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 17, 2012.

Hon. JOHN MICA,
Chairman, Committee on Transportation and Infrastrcture, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA, I am writing concerning H.R. 4348, the ''Surface Transportation Extension Act of 2012, Part II,'' which is scheduled for floor consideration this week.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Subtitle D of Title I of this bill amends the Internal Revenue Code of 1986 by extending the current Highway Trust Fund expenditure authority and the associated Federal excise taxes to September 30, 2012. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4348, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, April 17, 2012.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4348, the ''Surface Transportation Extension Act of 2012, Part II.'' The Committee on Transportation and

Infrastructure recognizes the Committee on Ways and Means has a jurisdictional interest in H.R. 4348, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 4348 in the Congressional Record during floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,
Chairman.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the last long-term surface transportation authorization expired on September 30, '09. We continue to limp along, patching together our Nation's transportation system through short-term extensions that cause uncertainty and create chaos for construction crews and local communities across the country and our State transportation departments.

The Committee on Transportation and Infrastructure reported the House Republican leadership's misguided, 5-year surface transportation bill on February 13 of this year. The Rules Committee approved a rule governing its consideration on the floor on February 15. That was 9 weeks ago this day. During that time, the Republican leadership has failed to find the votes among its Members to pass that bill.

Yet, instead of working across party lines as we have traditionally done for decades on transportation policy, the extreme right wing of their party continues to hold the process hostage to their ideological tirade that the Federal Government has no business in supporting a national transportation system.

Three weeks ago, I rose to oppose another extension, the ninth extension since these critical job-creating transportation programs expired in '09, because Republicans refused to move the process forward by bringing up the bipartisan Senate-passed bill but, instead, merely wanted to kick the can down the road once again. Mr. Chairman, we are running out of road.

I oppose the short-term extension because I cannot, for the life of me, figure out what difference the Republican leadership hopes to achieve over the next 12 weeks that they were unable to achieve over the previous 6 weeks. I fail to understand the perverse notion that if we simply fed their dangerous addiction to serial addictions one more time, the skies would magically part and the Republican leadership would miraculously garner enough votes on their side of the aisle to pass H.R. 7. That was the 5-year bill reported by the T&I Committee, something they have failed to do for months.

Last week, we heard the Republican leadership again would be bringing up a short-term extension as a ticket to conference with the Senate. That's the bill that is before us today.

When compared with H.R. 7, which is a fatally flawed bill that would mortgage America's future at subprime rates, a clean extension is a vehicle to keep the ball rolling, provided that the Republican leadership will truly allow us to go to conference with the other body. Unlike H.R. 7, a clean extension does not make shortsighted cuts to surface transportation investments that would destroy jobs and economic growth. These cuts are out. We're talking about funding at current levels.

Under the scheme advanced by the majority, public transit revenue would have been shifted to highways. Transit would have been bailed out with a one-time transfer of $40 billion from the general fund, robbing middle class Americans to pay for the shuffle. Under the clean extension that we're considering today, this misguided shell game is gone, fortunately.

The majority's proposal fails to close all the existing loopholes and Buy America laws. These gaping loopholes are being exploited by foreign competitors, like China, who are stealing American jobs and undermining our ability to create more American jobs and to revive American manufacturing. Under today's bill, locking in these loopholes is out and these provisions can be revisited in a long-term bill.

Under a clean extension, the majority's poison pill to needlessly eliminate Occupational Safety and Health Administration protections for hazmat workers, as was originally in H.R. 7, thankfully, is gone today.

The majority's efforts to subsidize private transit companies and mandate the use of private engineering firms on Federal-aid highway projects is gone in today's bill.

Instead of turning back the clock nearly half a century on America's greatness and the incredible work we have done to grow our Nation, to build a thriving economy, and to lead the global market, we should be working together to develop a bipartisan bill that can pass both bodies and be signed into law.

Taking the other side at their word, that they are serious about moving the process forward—I'm beginning to think that may be a likely scenario—passage of this extension of current law through the end of the fiscal year will allow us to go to conference with the other body on their bipartisan multiyear bill which passed with the support of three-quarters of the Senate. That is 74 votes in that other body.

□ 1410

How many pieces of legislation do you get that many votes on in the other body? A long-term bill will provide the certainty that States need to invest and proceed with their plans that have been long on the books. It will provide the certainty that highway and transit contractors desperately need to give them the confidence to hire that one more worker.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I yield 4 minutes to the chair of the Highway Subcommittee, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. I thank the gentleman for yielding me this time.

Mr. Chairman, H.R. 4348 extends the surface transportation programs through September 30, 2012, at funding levels consistent with the fiscal year 2012 transportation appropriations bill, which we passed in November. Under the current extension, the highway, transit, and highway safety programs are set to expire on June 30. This legislation will allow these programs to continue through the fiscal year and to provide predictability during the summer construction season.

This bill also includes provisions related to the approval of the Keystone pipeline. With the rising gas prices and uncertainty in the Middle East, it is vital that we complete construction of this crucial pipeline in order to help secure our Nation's energy resources. If we don't do this, Mr. Chairman, all we will be doing is helping foreign energy producers.

I had originally hoped that the House would be able to move H.R. 7, the 5-year surface transportation reauthorization bill that was passed by our committee in February. Unfortunately, we were not able to bring H.R. 7 to the House floor at this time. Instead, we will use this bill as a vehicle to conference with the Senate-passed surface transportation reauthorization bill.

There were three amendments that were made in order by the Rules Committee, and I would like to express my support for all three. Mr. BOUSTANY's amendment would require that we spend the revenue we are collecting for the Harbor Maintenance Trust Fund on Army Corps of Engineers projects, as opposed to using this revenue to offset spending elsewhere in the Federal budget. This is a commonsense solution to help upgrade our Nation's ports and maintain our global economic competitiveness. Just this morning, we held a hearing on the importance to our entire economy of our inland waterway system, and Mr. BOUSTANY's amendment will certainly help in that regard.

Mr. RIBBLE's amendment is based on the environmental streamlining provisions that were included in H.R. 7. This amendment would eliminate duplication by providing a single system to review decisions. It reduces bureaucratic delay by requiring concurrent, instead of consecutive, project reviews and setting deadlines for the completion of environmental reviews. These changes could cut the delivery process in half and could save taxpayers many, many billions over the next several years.

The last two studies by the Federal Highway Administration said the average highway project takes 13 years, one study said 15 years. That is far too long. Other developed nations are doing these projects in half the time or less than we are.

Mr. MCKINLEY's amendment includes the text of H.R. 2273, the Coal Residuals Reuse and Management Act. This amendment would prohibit the United States Environmental Protection Agency from driving coal-powered plants out of existence and doubling and tripling our utility bills.

The U.S. has been called the Saudi Arabia of coal, Mr. Chairman. If we do not use our coal in a clean and safe way, we will hurt millions of poor, lower-income, and working people all across this Nation.

I salute Chairman MICA for his hard work on this bill for the last several months, and I urge my colleagues to support H.R. 4348 and the subsequent amendments.

Mr. RAHALL. Mr. Chairman, I yield 4 minutes to the ranking member on our Transit and Highways Subcommittee, the distinguished gentleman from the State of Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding.

Well, it appears that the House has finally found the path out of dysfunction junction. We have been there for too long. We need a long-term, as long a term as possible, transportation bill as soon as possible.

Now, this extension is for 180 days. We can't wait for 180 days to come to agreement with the Senate. We need to go to an expedited conference as soon as possible. We have been gathering data from the individual States since the last 90-day extension 3 weeks ago. The State of North Carolina has canceled $1.2 billion worth of projects, 40,000 jobs, this year.

Other States are reporting in, none quite so drastic, but the grand total is going to be probably close to 100,000 jobs foregone because of the uncertainty created by these 90-day extensions. It's time to put an end to 90-day extensions. This should be the last one, and we should proceed immediately to conference and begin to work through our differences with the Senate.

Even H.R. 7, which the Republicans couldn't get out of their own conference, they could not get agreement between those 50 or 60 who believe their national transportation policy should be set individually by the 50 States. Wow, what does that mean? And/or transit should be thrown under the bus, or out of the bus, with the other members of the conference saying, wait a minute, that's totally unacceptable to us. They couldn't get the bill out.

But even the fact that they couldn't get the bill out, there's much overlap and agreement between many provisions in H.R. 7 and what the Senate has done. I believe we could conference those areas in disagreement quite promptly.

As the ranking member said, this no longer ends Safe Routes to Schools, something which I opposed in H.R. 7, and other cycling and alternate modes of transportation. It doesn't throw transit out the window or off the bridge, but transit would be in play between the House and the Senate.

During the last stage or authorization of SAFETEA-LU, we had an incredible fight in conference. It wasn't between Democrats and Republicans; it was between the House and the Senate. We fought for a number of weeks over the split between transit and highways and came to a good accommodation, I believe. And hopefully we'll end up close to that in this.

But the Senate bill, which we tried to force a vote on, and had we put that in place 3 weeks ago, instead of the 90-day extension, we wouldn't have lost or been in the process of losing all those contracts and jobs now at the beginning of the construction season. That's about 100,000 jobs potentially lost with more temporary extensions. But we would, instead, have seen another 500,000 jobs, which is the predicted result of the stability of 2 years of funding with the Senate bill.

So, you know, I will support this iteration because I am anxious to get to conference, I am anxious to get agreement. I believe we should get it done before the middle of May so that States can capture this construction season, and we can put a few hundred thousand people who desperately want jobs back to work and those who supply them back to work.

Finally, on the issue of excessive fuel prices, there is only one thing we can do immediately. I mean, the XL pipeline, first off, they say they are going to export it after they refine it. We are exporting gasoline from the United States of America today.

We have prices being set in a world market, and it's being set by speculators on Wall Street. If we just clamp down on the speculation on Wall Street, the head of ExxonMobil, Goldman Sachs, the St. Louis Federal Reserve, and prominent economists say we could save consumers 60 to 70 cents a gallon tomorrow if we stopped the rip-offs by the people on Wall Street, and the excessive speculation by the people on Wall Street, something that's only been allowed for about a decade.

It didn't used to be allowed for them to control our energy future. So if you want to do something real, that should be part of this bill. XL pipeline can do nothing to help people get lower gas prices.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the distinguished chair of the House Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I thank the chairman for yielding.

Mr. Chairman, this is a highway and infrastructure bill. That means it is a jobs bill. Now, I would remind my colleagues and those watching that the President said back in January, as part of his weekly address, that he would do whatever it takes, whatever it takes, to create jobs. There is not a more shovel-ready project than the Keystone XL pipeline, period.

Secretary Clinton said in October of 2010, I am inclined to support this project. In August of 2011, she indicated that there was no reason why they couldn't give an approval or a denial by the end of last year.

□ 1420

This is 20,000 direct jobs, more than 100,000 indirect jobs, a $7 billion privately funded pipeline that will subscribe to the pipeline safety bill that this committee as well as the Energy and Commerce Committee worked on, that the President signed this last year, raising the standards, raising the fines for those that violate those standards. It is a better pipeline safety route than ever before. I have to say for those detractors, the route has been changed through Nebraska. It will no longer go through that aquifer.

We will bring as much as 800,000 barrels of oil from the oil sands in Canada. As these gas prices continue to go up, Americans understand supply and demand; 800,000 barrels a day that we can get from our friends, the Canadians. If we don't do so, where is it going to go? China. China is already preparing to spend billions of dollars to instead build that pipeline to Vancouver, send it to China to be refined and, guess what, we will get none of that refined oil back.

Some detractors of this project say why don't we just build a refinery in North Dakota. Well, let's say we did. Are you not going to still then build a pipeline to connect it with the supply routes across the country?

The CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman an additional 30 seconds.

Mr. UPTON. Mr. Speaker, we haven't built a new refinery since 1976. EPA will not allow new refineries to be built. We have spent instead billions of dollars to expand the refineries that we have.

Under regular order we moved this Keystone pipeline last summer. It passed on the House floor two-to-one. There is no reason why a construction project like this shouldn't be in this bill. I look forward to the passage of this bill later this afternoon with the inclusion of the Keystone XL pipeline.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Florida, the ranking member on our Subcommittee on Railroads, Ms. CORRINE BROWN.

Ms. BROWN of Florida. Thank you, Chairman MICA and Mr. RAHALL.

I will vote for this 3-month extension. But I have got to tell you, the Republican leadership has turned the House floor into Frankenstein's laboratory. Instead of bringing up a transportation bill that could get the support

from both sides, they brought a bill to the floor that couldn't get support from either side. Now, after they couldn't convince the Tea Party Members that transportation is actually very important to our economy, they're taking parts from different bills and creating the monster that they call ''transportation.''

It's a very sad time for transportation in the House of Representatives. The Republican leadership has ruined a process that used to be bipartisan, from a committee that used to be bipartisan. This is not the way to run the U.S. House of Representatives, and it is clearly not the way the American people want it to be run.

I've been on the Transportation Committee for 20 years, and it has never been partisan. We were the committee that moved people, goods, and services, and put millions of people to work. Now we gut funding, abandon core programs like transit and hazmat safety, and argue about issues that aren't even germane to transportation.

The Republican leadership has had a war on our Transportation Committee from the very beginning. First, they removed the firewalls from the trust fund and would no doubt be raiding it if we had any money in it. They cut the size of our committee in half. Then they gave us all freshmen Members, many who don't know how to say anything but no, no, no, no, no, no, no. And then for 2 straight years they've gutted transportation funding in the Ryan budget.

You can fool some of the people some of the time, but you can't fool all of the people all of the time.

President Barack Obama said recently that Republicans used to like to build roads. All of our stakeholders support a comprehensive transportation bill, and I am hoping that we can pass—I hate to say it—the Senate bill—we used to do the work—but I hope we can pass the Senate bill. I really want to say thank God for the United States Senate because finally we have some people that are pulling together a transportation bill that really will put the American people to work.

Mr. MICA. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from Nebraska, who's the leader and one of the authors of the Keystone provisions of this legislation, Mr. TERRY.

Mr. TERRY. Thank you, Mr. Chairman.

Certainly, the President of the United States knows how to say ''no.'' He says ''no'' to the Keystone pipeline, turning down its application just 3 months ago. This gives the United States access to probably the largest known oil reserve sitting there in a pool in North America, but the President won't allow us to have access to it. Yet during this administration, gas prices at the pump have gone up 120 percent.

People in my district keep asking me, What's the energy policy? I have to tell them I don't know. He kills the pipeline giving us access to oil which would increase supply in the United States, yet sends billions of dollars to Solyndra and solar panel companies to further flood the market with more solar panels. So I don't know what the plan is to lower gas prices because he's not giving us access.

Now, let's look at this $7 billion privately funded—that's right, maybe that's the problem: it's privately funded—infrastructure project to bring us more gasoline. It's denied. A $7 billion project to bring 20,000 new jobs. The President says he'll do anything to create new jobs, but kills the pipeline that would get union workers off the benches and into the fields working.

The CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman an additional 15 seconds.

Mr. TERRY. He kills those 20,000 direct jobs. There's millions of jobs, if we just used our own resources. Do you know that we can be completely energy secure using our own resources? But this administration lacks the will to be able to do that.

Mr. RAHALL. May I inquire of the time remaining, Mr. Chairman.

The CHAIR. The gentleman from West Virginia has 18 minutes remaining, and the gentleman from Florida has 15¼ minutes remaining.

Mr. RAHALL. I yield 3 minutes to the distinguished gentleman from New York, a valued member of our Committee on Transformation and Infrastructure, Mr. JERRY NADLER.

Mr. NADLER. Mr. Chairman, I rise in opposition to H.R. 4348, the second Surface Transportation Extension Act that we have considered this year.

It has become eminently clear that the Republicans in the House cannot get consensus among themselves on a long-term transportation bill. They can't get consensus on a short-term transportation bill. They can barely pass this 90-day extension. The only way to get it through is to yet again add the Keystone pipeline and other anti-environmental measures. The Republican leadership keeps playing the same cards over and over, but nobody is playing this game anymore. The Senate has moved on. The Senate passed a bipartisan bill. We should do the same.

The purpose of this extension is to serve as a vehicle to formally go to conference with the Senate. I must confess that I might be inclined to vote for it on that basis. If it passes, the House position in conference will essentially be an extension of current law, putting the policy reforms in the Senate bill on a stronger footing; but I fear that this is really just a delaying tactic and a smokescreen.

For a year and a half, the House Republicans have stubbornly refused to work with Democrats to develop a bipartisan bill, completely upending the historical traditions of our committee. This is despite the fact that there are plenty of individual Republican Members who are willing to work with us on certain issues.

When H.R. 7, the original Republican long-term reauthorization bill, was introduced, several Republican Members joined me on an amendment to preserve the transit funding that would have been gutted in H.R. 7.

□ 1430

That was probably one of the reasons that H.R. 7 was ultimately pulled before it could get to the floor. So there are clearly Members on the other side of the aisle who would work with us to develop a bipartisan bill, but the Republican leadership stubbornly refuses to let that happen. Why should we expect anything different in conference?

The Republican leadership could also just bring up the Senate bill, but they won't even allow a vote. Why? What are they afraid of? Because they know it would pass. And what would be wrong with that? The Senate bill isn't perfect, but it's a bipartisan compromise measure that would put people to work right away and provide more certainty to the transportation agencies than a stream of short-term extensions. We could resolve this situation right now, but they continue to block legislation that would likely pass both Chambers, on a bipartisan basis, and be signed into law by the President.

I hope that my concerns about the intent of the other side turn out to be unwarranted. I hope that if this extension passes, that it will ultimately move the process along in a positive manner and that we will have a meaningful conference that produces a good, bipartisan bill. Passing an extension is certainly better than passing H.R. 7, but given what has transpired so far, and given the addition of the Keystone pipeline and other anti-environmental measures, I must reluctantly vote ''no.''

The Keystone pipeline would cut through the United States to allow Canada to deliver up to 900,000 barrels per day of tar sand oil to gulf coast refineries. Tar sand oil extraction is destructive and dangerous. Producing one barrel of tar sand oil releases at least three times more global warming pollutants than conventional oil. If we allow this expansion to occur, it will be virtually impossible to reduce global warming. That's why the Keystone pipeline has rightfully been called a ''game-changer.'' And there is no guarantee that any of the oil extracted would be delivered to U.S. consumers. We cannot allow such a gigantic and irreversible step backward in the fight against global warming. But these objections are not the administration's. The administration simply wants to be able to complete the normal environmental review of the Keystone pipeline provided by law to decide whether to approve it or not. But this legislation mandates approval regardless of the law. It supersedes the normal process. This makes it impossible to vote for this legislation.

Mr. MICA. Mr. Chairman, at this time, I'd like to yield 2 minutes to the distinguished Representative, the former chair of the Government Reform and Oversight Committee, Mr. BURTON from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I want to thank the gentleman for yielding.

A question: Does the President prevaricate? Does he mislead? I've been watching him on television the last couple of days, and he says that we only have 2 percent of the oil reserves, and we've been doing more drilling over the past couple, 3 years than we've ever done before. So let's look at the facts, and I hope somebody at the White House may be paying attention.

According to the American Petroleum Institute, the number of new permits to drill issued by the Bureau of Land Management is down 40 percent from an average of 6,444 permits in 2007–2008 to an average of 3,962 in 2009–2010. The administration is stopping drilling on public lands. During this same time period, the number of new wells drilled on Federal land has declined by 40 percent. And yet he keeps telling us the reason gas prices are going up is for a number of other reasons. The fact is, we're not drilling here. We've got more oil in oil shale in public lands than they have in Saudi Arabia, and we're not exploring for it.

President Obama cites that oil production is at an all-time high during his administration. However, oil production on Federal land fell by 11 percent last year. Oil production on private and State-owned land—land beyond the Federal Government's grip—grew by 14 percent. So what he's talking about is where he can't touch it, on private land, the drilling is up a little bit. But that's only a small portion of the oil that's available.

Federal lands hold an estimated—get this—116.4 billion barrels of recoverable oil, enough to produce gasoline for—get this—65 million cars and fuel oil for 3.2 million households for 60 years. And, yet, the administration keeps saying, oh, we can't do it; we're doing everything we can.

The American people need to know the truth. The truth is, if we use our own natural resources, in 5, 10, 15 years we could be energy independent. But this administration wants to put more control in the Federal administration.

The CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman 15 additional seconds.

Mr. BURTON of Indiana. This administration wants to put more and more control in the Federal Government, in health care, in energy, in every other area, because he believes in a European-style, socialistic approach to government. And the American people need to know that. He isn't giving us the facts.

Mr. RAHALL. Mr. Chairman, I yield 2½ minutes to a distinguished member of our committee, the gentleman from Tennessee, Mr. STEVE COHEN.

Mr. COHEN. Mr. Chairman, last week in Memphis, I met with dozens of transportation, business, and civic officials involved in transportation. Every one of them said, stop the partisan politics and pass a transportation bill.

Secretary Ray LaHood, a Republican who served 12 years in this House and 17 years as the chief of staff to Bob Michel, one of the great Members of this group, came to Memphis. He said, Pass the transportation bill. And he said the reason they don't want to do it is they don't want to give President Obama any jobs because they want to beat President Obama, and the American people don't matter. That's the fact. The Secretary said this is the worst transportation bill he's ever seen, and he said it shouldn't be politicized.

Transportation leaders across the country and our Republican Transportation Secretary are begging us to take up the Senate bill, get it passed, put Americans back to work, and improve our infrastructure.

What's going on here is political. Gas prices are soaring, yes, but that's because of trouble in the Middle East, and that's because of oil speculators. It's not because of the Keystone XL pipeline. That is hooey. Domestic oil prices are set by the international market, and more and more emerging economies are wanting and needing oil. That causes the price to go up.

This assertion, the assertion that gas will go down because of the pipeline, is false. In fact, if the pipeline is completed, gas prices will go up in this country, and TransCanada said that in their papers when they tried to get the pipeline approved.

This will not mean more energy security. It will simply mean more money for international oil companies whose purpose is to raise money for themselves, and they're going to ship that oil overseas. It's not for American consumption.

Yeah, they're not Middle Eastern, yeah, they're not Venezuelan, but they're making profit, and they're going to send that oil overseas. It won't help America at all. And then they threw in something about coal ash, coal ash rules that the EPA had that would have prevented a disaster like what happened in Tennessee. It has nothing to do with transportation. Put America back to work. Pass the Senate bill.

Mr. MICA. Mr. Chairman, I yield myself 1½ minutes.

Let me just say I heard repeated here some things about what the Secretary said, and he did not have favorable comments about H.R. 7. So we've tried to bring something forward that would bring us to passing a bill and get people to work and get this resolved. And then today the Secretary said that the Congress would not pass a multiyear bill, instead of saying he'd work with us and be a leader to do that.

Then the Secretary went on to say, look what they've loaded it up with—speaking about this bill today—Keystone, coal ash, none of it has anything to do with transportation.

Well, first of all, I guess it's difficult for the Secretary to understand that energy costs and the pain at the pump are killing the consumer and impacting dramatically the American people. Keystone does have something to do with that. I guess if you have a chauffeur pick you up in the morning and you're not pumping the gas yourself and taking the money out of your pocket, you wouldn't understand the relevance of Keystone.

And then coal ash, which was just referred to here by the gentleman, it makes our surface more durable and we save money——

Mr. COHEN. Will the gentleman yield?

Mr. MICA. I will not yield, and I don't like being interrupted, especially when I have a good point.

Mr. COHEN. That's a rare time.

Mr. MICA. Coal ash, to continue, although being interrupted, makes the surface more durable. It's important that we get value when we're putting money into roads and pavement. So it's a very important provision that saves costs and gets us more for our money.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished ranking member of the House Natural Resources Committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman. This bill is an environmental atrocity. The majority has allowed an unrelated amendment that would forbid the EPA—forbid them—from requiring the safe disposal of toxic coal waste that contains arsenic, mercury, and chromium. And the majority has allowed an amendment that would provide massive exemptions from the National Environmental Policy Act and smothers the ability of communities to have input into projects that could create toxic nightmares in local neighborhoods. This is what the Republicans are doing out here today. ''EPA,'' Every Polluter's Ally, that's what they want to turn it into.

So what we have on top of that is a provision to build the Keystone pipeline through the United States of America from Canada, the dirtiest oil, by the way, in the world, bring it through the United States, and then to bring it to Port Arthur, Texas.

□ 1440

Now, what goes on in Port Arthur, Texas? Very interesting. I think it's important for the American people to know what happens there. Last year, 73 percent of all of the gasoline that was refined in Port Arthur and in the Houston area was exported out of the United States. Understand what I'm saying? This is oil that was found in the United States, drilled for in the United States, sent down to Texas, refined down there in the Houston and Port Arthur area, and then they exported it. And where did they export it

to—our oil, United States oil? They exported it to China, to the Communists.

The Republicans are here blocking an amendment that makes it possible for us to stop the oil from the Keystone pipeline from being sent to the Communist Chinese. Now, I hear gentlemen out here charging President Obama with being a Socialist, but who would engage in this kind of activity, to pretend that they want to have oil for the United States and for our citizens, and then when I ask for an amendment to ensure that all the oil that comes through the Keystone pipeline stays in the United States, the Republicans say, Oh, no, you're not making that amendment; we're going to tie your hands, Mr. MARKEY; you can't make the amendment; we don't want you to make us be prohibited from selling this oil to the Communist Chinese?

Now, ladies and gentlemen, that's just wrong. That's wrong. That oil is American oil. That oil should stay in the United States. If we're building this pipeline, it should stay here in the United States. We should not be exporting American oil, with gasoline prices at $4 a gallon, to China and to Latin America.

That's what this whole plot is about, by the way. This is a plot to build a pipeline down to Port Arthur, Texas, tax free, and export that oil out of the United States. That's why the amendment I requested has not been put in order.

Mr. MICA. Mr. Chairman, I'm pleased to yield 1½ minutes to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in support of the Keystone XL pipeline as well as the underlying bill.

The plot here is for jobs, American jobs. It's a no-brainer. Like most Arkansans, I support this pro-jobs project that will strengthen our national security by making us less dependent on Middle Eastern oil.

Arkansas families and businesses are hurting due to high gas prices, and the Keystone pipeline will bring an additional 1 million barrels of oil per day into the United States. More supply means lower prices, and Arkansans, as well as all Americans, need relief from these high gas prices.

President Obama denied construction of the Keystone XL pipeline despite years of extensive vetting for environmental impacts. Make no mistake, the President's decision to reject the Keystone pipeline has cost American jobs. Welspun, a manufacturer in my district, has manufactured nearly half of the pipe for the Keystone pipeline and was forced to lay off 60 workers after the President rejected the pipeline, after he delayed it last year.

The Keystone pipeline will strengthen American energy security and create tens of thousands of good American jobs. It's past time to move the Keystone pipeline forward.

Mr. RAHALL. Time check, please, Mr. Chairman.

The CHAIR. Both sides have 10 minutes remaining.

Mr. RAHALL. I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I yield myself 1 minute at this time.

I know there's a lot of disappointment on the other side of the aisle because this extension and this ability to get the bill done contains no earmarks, no tax increases, and no programs of bigger government, so I know they're disappointed in that regard.

The other thing, too, that folks should remember is we've done everything we can in a bipartisan way to move this process forward. I remember working with Mr. Oberstar, the former chairman, when the current Secretary and the President came in and said they weren't going to do a 6-year bill when they had all the votes, huge majorities, and they could have put people to work and gotten this done. Instead, they gave us six extensions. So here we are trying to get the job done.

As the Cable Guy says, and my son reminds me, Dad, we're gonna git-r-done. And we're going to get her done one way or the other.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself the remainder of my time, actually.

We're going to have time during the amendment process to debate the three amendments that have been made in order under the rule. I wish more had been made in order—that's why I voted against the rule—but that decision was the Rules Committee.

The three that will be allowed, of course one has to do with environmental gutting—I mean, streamlining; the other has to do with the Harbor Maintenance Trust Fund; and then the third has to do with legislation introduced by my colleague from West Virginia (Mr. MCKINLEY) dealing with coal waste ash, the latter of which there is support from my side of the aisle for and, indeed, from myself.

The Harbor Maintenance Trust Fund is a good amendment. I'm glad the Rules Committee made that in order, and I find myself in position to support that as well as the coal ash amendment. At the proper time, I'll speak further on it.

I would like to say that the gentleman from Florida, my chairman, has referred to the inability of our side of the aisle to pass legislation when we were in control of this body. We may have been in control of the other body as well—although, we were not, because the minority over there, as the gentleman knows, has more power than the majority in the other body; and perhaps we did not have the full support of the administration as we would have liked under then-Chairman Jim Oberstar's leadership, and that's unfortunate as well. I don't think any of us would deny that on this side of the aisle.

The fact of the matter is, today, with the other body being even more divided than it was in previous leadership regimes, they have passed a bipartisan bill. Half of the Republican Members of the other body supported their bipartisan transportation bill. Both the chairlady and the ranking member of the relevant committee joined together, put their names on a piece of legislation, put some reforms in it that are good reforms, provided a 2-year bill, paid for, and I believe is a bill that we should have been considering today and that I had made the request to the Rules Committee yesterday to consider, but they did not grant my wishes, so we are where we are today.

We have an additional 90-day extension that we will be asked to vote on later today. That's a good thing, I guess, if we get to a conference. And this is the final point that I want to make is that conference must be held sooner rather than later. It must be held as soon as possible. We're ready to go to conference later today if the conferees were to be announced. We already have the Senate bill. So from our side of the aisle, we're ready to go to conference today, right now.

I would urge the majority in this body to call that conference as soon as possible. Our workers cannot wait any longer. Our small businesses cannot wait any longer. Our road contractors cannot wait any longer.

This is the time of the year when road contracts are let, as I'm sure my distinguished chairman and every Member of this body knows full well. This is the time of the year, the springtime of the year when those decisions have to be made, when our small businesses, when our road contractors need to let their employees and prospective employees know—today they need to let them know whether or not they're going to have a job, not 90 days from now, not 90 plus 90 days from now, but today.

So that's why I would urge that this conference committee meet as quickly as possible. I call upon the leadership of this body to call a conference committee. Our workers are ready. Our contractors are ready. Contracts are ready to be let.

□ 1450

We need those American jobs now, and I would hope that Chairman MICA would join me in a bipartisan plea to assign conferees as expeditiously as possible and to call a conference even quicker, if that's possible.

I reserve the balance of my time.

Mr. MICA. I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FLAKE), one of the leaders for responsible government.

Mr. FLAKE. I thank the chairman for yielding.

I rise in support of the provision in this legislation to get the construction of the Keystone pipeline under way.

For months, Members on both sides of the aisle have worked to impress upon the administration the urgent need for the Keystone XL pipeline

project to proceed. Justification for Keystone as a safe and critical boon to private sector job creation and American energy security has not changed.

This project, as we all know, carries with it thousands of jobs. It will still increase the Nation's capacity to transport crude oil by 830,000 barrels a day; and the State Department is still on record saying that the Keystone ''poses little environmental risk'' and will lead to ''no significant impacts to most resources.''

But, unfortunately, the administration's reluctance to proceed with Keystone has left some that question things on Keystone and some debate to begin. The unemployment rate is still above 8 percent. The U.S. still relies on the same sources of foreign energy, and a lot of Americans are asking why, why in the world can't we get this approved.

I would urge adoption of this provision.

The CHAIR. The time of the gentleman has expired.

Mr. MICA. I yield the gentleman an additional 15 seconds.

Mr. FLAKE. I thank the gentleman.

I have concerns, overall, on the transportation provisions, but this provision is very good, the Keystone provision, and it should remain in.

Mr. RAHALL. I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), one of the leaders of the Energy and Commerce Committee and helper on this legislation.

Mr. SCALISE. Mr. Chairman, I want to thank the gentleman from Florida for yielding and for bringing this legislation forward and, specifically, want to talk about title III of this bill, and that deals with the RESTORE Act.

Of course, this Friday will mark the 2-year anniversary of the Deepwater Horizon disaster. People all across the country saw for weeks and weeks oil coming into the Gulf of Mexico, destroying ecosystems, destroying economic industries. And yet, still to this day, there is no mechanism in place to dictate what should happen to those fines that BP and the other responsible parties will have to pay under the Clean Water Act.

In this component, the RESTORE Act actually sets that policy out. And it was the result of a compilation of work by Republicans and Democrats from all five Gulf Coast States who came together and recognized that the most responsible thing to do would be to dedicate that money, 80 percent of those fines, to the Gulf Coast States so that we actually have revenue to go and restore the damage that's been done.

I think most people recognize the right thing to do is to dedicate that money, not to send it up to Washington to be spent on things unrelated, but to actually allow us to restore the damage that was done in the Gulf of Mexico from that tragedy, and that's what this bill does.

The mechanism is in place, and as we go to a conference committee, I feel very confident we can get to a point where we have the full RESTORE Act in the final product so that there is no question that there is a commitment from this Congress that the Gulf Coast States ought to have the ability to restore the damage that was done during that tragedy.

Of course, another component of this bill is the Keystone pipeline. And I think as we look at the dilemma so many families are facing with escalating gas prices, the fact that you've got gas prices in some places already over $4 a gallon, experts predicting $5 a gallon gasoline, and here we have a friend in Canada saying that they want to send a million barrels a day of oil to America, which is a million barrels a day we don't have to get from these Middle Eastern countries who don't like us, sending billions of dollars to people, in essence, funding the enemy in some of these terrorist battles across the Middle East.

We've got the ability to create 20,000 jobs and secure our energy security. I look forward to passage of this legislation.

Mr. RAHALL. Is the gentleman from Florida ready to close?

Mr. MICA. I'm ready to close.

Mr. RAHALL. I know how much time I have left, I think, but just tell me, Mr. Chairman.

The CHAIR. The gentleman has 5½ minutes.

Mr. RAHALL. Let me, again, repeat what I said a moment ago. I'm sure the chairman heard me. And I'm asking, once again, that we go to conference as quickly as possible. I gave the reasons in my concluding speech why that is necessary for the sake of jobs for Americans.

I would hope that, in one last-ditch effort, one last-ditch effort to plead for bipartisanship in this body, as the other body has already demonstrated and proved, that perhaps the chairman would join me, his ranking member, in a letter to the Speaker urging that we go to conference as quickly as possible.

The legislative process has been explained to me, and when you cut through it all, we could go to conference as early as tonight on this legislation. So I would ask the chairman, once again, if he would join me in that last bipartisan plea I make for such a joint pleading with the Speaker to go to conference.

I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding, and I would yield to the chairman of the committee in the hope that he would respond to that because I think it's a reasonable request.

Mr. MICA. And I would tell the gentleman—am I on the gentleman's time, Mr. Chairman?

The CHAIR. Yes, you're on the gentleman's time.

Mr. MICA. Okay. Then I would tell the gentleman that I plan to respond in not taking his time, but in taking my time to the request from the distinguished ranking member from West Virginia (Mr. RAHALL), and I will have an answer in response to his specific question dealing with whether or not I would sign the letter asking for an expeditious approval and consideration of appointment of conferees and going to conference in an expedited manner.

Mr. DEFAZIO. Reclaiming my time, I'm afraid I didn't quite catch that. If the gentleman is saying that he wants to originate the letters making those points, I will tell him right now I would sign it, and I believe the gentleman from West Virginia would sign it. If that's the problem that he was insinuating that we in the minority would initiate the letter, the point is we would love to have the chairman write the letter and be willing to sign it.

My understanding of the procedures that have been set forth already in the Senate is when we send this bill to the Senate, and it could be there within a couple of hours, that Leaders MCCONNELL and REID must sit down and agree that it meets their preconditions to go to conference. If it does, then the Senate goes automatically to conference. They don't have to go through all their usual procedures, and then they would send a request for conference back to us, which could be here tonight or early tomorrow morning, and we could appoint conferees tomorrow, and we could begin negotiating the bill.

I'm willing to clear my weekend schedule. I have things scheduled. I'm willing to clear my weekend schedule. I hope to be a conferee on our side of the aisle to go to conference because we really need to get the certainty the States need.

Every day States are announcing delays and cancellations of projects for this construction season which, for those of us who live in the northern part of the country, not down in Florida, means they don't get done this year. If they can't commit to a project by the end of May, except for some very minor projects, it won't get done this year.

We need those jobs. We need those projects. Instead of adding jobs and projects today, because of the temporary nature of these two extensions, States are notifying DOT that they are going to delay or cancel projects. And again, in the case of North Carolina, $1.2 billion worth of projects, 41,000 jobs lost. In my State, a couple of thousand jobs lost, and we have high unemployment. All across the country, it probably adds up to 100,000 jobs that will be foregone this construction season if we don't get a longer-term bill done by mid- to late May.

I think it's entirely possible and, as I said, on this side of the aisle we want to expedite going to conference. That's the reason we will support this bill, despite some of its faults, because the majority has shown a willingness to sit down seriously and get this done, but

we can't delay. We have to move forward with all dispatch.

Let's start tomorrow. Let's work through the weekend. Let's work through the next break. We've already had 10 or 12 or 15 breaks this year. Let's work through the next break. I'll cancel my schedule for that break, too, and get this bill done for the American people for our transportation system by mid-May.

□ 1500

Mr. RAHALL. As we are all anxiously awaiting the chairman to respond with his time, I yield back the balance of my time so that we all can wait with bated breath to hear the distinguished chairman's response to our invitation.

Mr. MICA. Might I inquire as to what time is remaining?

The CHAIR. The gentleman has 5¾ minutes.

Mr. MICA. In answering with bated breath, I yield myself the balance of my time.

First of all, let me say on a serious basis that I've tried to have the best working relationship possible with Mr. RAHALL, the Democrat leader of the Transportation Committee. He and I were respectively chosen to lead the committee, and I've tried to do my best in the last year plus several months to work with him in meeting our responsibilities.

We have done some important things. We passed a 5-year stalled FAA bill, and we did it without tax increases, without earmarks, and with a good plan for the future that will put people to work in an area, the aviation industry, that accounts for 10 percent of our economic activity in the country.

Let me say in regard to the former chair of, I believe, the Highway Subcommittee, Mr. DEFAZIO, that he was the ranking member on 9/11 when the good Lord put us both with the responsibility of trying to get the Nation's aviation system going after the horrendous attack by terrorists on our country and on the aviation system, and we did that together.

I came to this position after 18 years, after my predecessor, Mr. Oberstar, who I enjoyed so much working with, who was the distinguished leader from the other side. I learned quite a bit from Mr. Oberstar and others, from Mr. SHUSTER who came before me. There was a whole host of great leaders in the committee—Mr. Mineta, my first chair. I tried to learn from all of them and not make mistakes but to do the best thing for the committee, not for my self-interests or my party's interests, but in the interest of the American people, because that's what we're sent here for is to help the American people.

We had a crisis after 9/11. We came together. We have a crisis now. We have millions of Americans who don't have jobs, who don't have work. I supported the bill. I think Mr. Oberstar waited 32 years to become chairman. I was elected after 18 years by my colleagues. He had his bill pretty much together. I didn't have a bill.

I first went to Mr. RAHALL's district, who is the ranking member, and held the first hearing on this legislation in Beckley, West Virginia, which I'd never been to, and I wouldn't mind going back. Everybody there was nice to me and committed then. We went across the country and did a record number of hearings—as I said, bipartisan, bicameral with Mrs. BOXER, who I hope to complete this legislation with and with other leaders and workers, because here you can't do it yourself. You really can't. You might think you can, but you can't.

So I have taken everybody's good ideas, and please don't say I wasn't bipartisan. We took every amendment, 100 Democrat amendments. I don't know anyone who has done that. We sat there until 3 o'clock in the morning—it was an 18-hour markup—and we passed 20-some of their amendments. Shoot, this is difficult. I don't have earmarks like the previous chairman had. The last bill had 6,300 earmarks. Yes, you can get the bill done quickly, but even then it took them 2 years. I've been here for—what?—14 months leading the committee, and today, we will take this to conference.

To answer your question, not only will I sign the letter; I will draft the letter asking to be expeditious in going to conference and in the appointment of conferees. In addition, I'll ask our chair, Mr. DUNCAN, to sign that letter—I hope you will join me, and I thank you for offering that—so we can get the people's work done.

I look back and I see the missed opportunities, one when Mr. LaHood came in to Mr. Oberstar and me and turned down a 6-year bill that we had planned. I didn't like everything Mr. Oberstar proposed. In fact, I probably would have had to have held my nose and voted for it; but I told him, in the interest of the country and the American people, we needed to move forward, and I was supportive of getting the bill to conference so we could work out the details. I wasn't afforded all that opportunity in this process, and I'm saddened a bit about that because I have tried to work in good faith.

Now the American people are calling on us to stop the bickering, to stop the baloney, to get back to work. The American people are hurting.

Then again, there is the pain at the pump. I've seen people, when I've been home, taking out a few dollars at a time in trying to pay that gas bill, and sometimes I've seen people go out and buy $5 worth of gas. It breaks my heart that they can barely make it back and forth. I saw a waitress who was telling me how difficult it was for her to get to work because she couldn't afford it. But that's why they sent us here—to get this job done, and we need to get this job done.

So I think, on behalf of the American people, we need to continue the process. We've been down several roads, and some of those had some bumps and some of them had some dead ends, but let's hope that this has a path to lower energy costs and that this has a path to building this country's infrastructure, which is so important for what the business of this country is. The business of this country is business. It wasn't Big Government. So we can do it.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I rise to support H.R. 4348, the Surface Transportation Extension Act of 2012, Part II, but I do so with a great deal of reservation. The simple fact is that we must pass a transportation reauthorization for the benefit of the country, as the piecemeal extensions cannot provide cities and states adequate time to plan, and result in wasteful spending of our precious infrastructure dollars.

The current bill was crafted in backrooms of the GOP leadership, without the benefit of hearings or a markup. This bill does not include one Democratic amendment, and contains numerous poison pills such as the Keystone XL pipeline that will be non-starters with Senate conferees. Up until the present time, the House Transportation and Infrastructure committee has worked in a fashion that focused on shared goals and producing the type of legislation that creates jobs, improves safety, and keeps Americans safe on the roads they travel. As a senior member of the House Transportation and Infrastructure Committee, I can say that this reauthorization process in the House has been a stark departure from the traditional bipartisan process, and the quality of the bill has suffered as such.

Nevertheless, I support final passage of H.R. 4348 because it will enable the House to conference with the Senate on the reauthorization, and with a reauthorization in place, we can begin to repair our crumbling infrastructure and get thousands of American back to work.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and shall be considered as read.

The text of the bill is as follows:

H.R. 4348

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—SURFACE TRANSPORTATION EXTENSION

Sec. 101. Short title.

Subtitle A—Federal-Aid Highways

Sec. 111. Extension of Federal-aid highway programs.

Subtitle B—Extension of Highway Safety Programs

Sec. 121. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 122. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 123. Additional programs.

Subtitle C—Public Transportation Programs

Sec. 131. Allocation of funds for planning programs.

Sec. 132. Special rule for urbanized area formula grants.
Sec. 133. Allocating amounts for capital investment grants.
Sec. 134. Apportionment of formula grants for other than urbanized areas.
Sec. 135. Apportionment based on fixed guideway factors.
Sec. 136. Authorizations for public transportation.
Sec. 137. Amendments to SAFETEA–LU.
Subtitle D—Highway Trust Fund Extension
Sec. 141. Extension of highway-related taxes.
Sec. 142. Extension of trust fund expenditure authority.
TITLE II—KEYSTONE XL PIPELINE
Sec. 201. Short title.
Sec. 202. Restriction.
Sec. 203. Permit.
Sec. 204. Relation to other law.
TITLE III—RESTORE ACT
Sec. 301. Short title.
Sec. 302. Gulf Coast Restoration Trust Fund.

TITLE I—SURFACE TRANSPORTATION EXTENSION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Surface Transportation Extension Act of 2012, Part II''.

Subtitle A—Federal-Aid Highways

SEC. 111. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 111 of the Surface Transportation Extension Act of 2011, Part II (Public Law 112–30; 125 Stat. 343) is amended—

(1) by striking ''the period beginning on October 1, 2011, and ending on June 30, 2012,'' each place it appears and inserting ''fiscal year 2012'';

(2) by striking ''¾ of'' each place it appears; and

(3) in subsection (a) by striking ''June 30, 2012'' and inserting ''September 30, 2012''.

(b) USE OF FUNDS.—Section 111(c) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A) by striking '', except that during such period'' and all that follows before the period at the end; and

(B) in subparagraph (B)(ii) by striking ''$479,250,000'' and inserting ''$639,000,000''; and

(2) by striking paragraph (4).

(c) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA–LU.—Section 111(e)(2) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking ''the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''fiscal year 2012.''.

(d) ADMINISTRATIVE EXPENSES.—Section 112(a) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 346) is amended by striking ''$294,641,438 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''$392,855,250 for fiscal year 2012.''.

Subtitle B—Extension of Highway Safety Programs

SEC. 121. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''$235,000,000 for each of fiscal years 2009 through 2011'' and all that follows through the period at the end and inserting ''and $235,000,000 for each of fiscal years 2009 through 2012.''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $81,183,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''and $105,500,000 for fiscal year 2012.''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2001(a)(3) of SAFETEA–LU (119 Stat. 1519) is amended by striking '', $25,000,000 for each of fiscal years 2006 through 2011'' and all that follows through the period at the end and inserting ''and $25,000,000 for each of fiscal years 2006 through 2012.''.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $36,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''and $48,500,000 for fiscal year 2012.''.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''for each of fiscal years 2006 through 2011'' and all that follows through the period at the end and inserting ''for each of fiscal years 2006 through 2012.''.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''$139,000,000 for each of fiscal years fiscal years 2009 through 2011'' and all that follows through the period at the end and inserting ''and $139,000,000 for each of fiscal years 2009 through 2012.''.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $3,087,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''and $4,000,000 for fiscal year 2012.''.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''for each of fiscal years 2006 through 2011'' and all that follows through the period at the end and inserting ''for each of fiscal years 2006 through 2012.''.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''$7,000,000 for each of fiscal years 2009 through 2011'' and all that follows through the period at the end and inserting ''and $7,000,000 for each of fiscal years 2009 through 2012.''.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—Section 2001(a)(10) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''$7,000,000 for each of fiscal years 2009 through 2011'' and all that follows through the period at the end and inserting ''and $7,000,000 for each of fiscal years 2009 through 2012.''.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''$25,328,000 for fiscal year 2011'' and all that follows through the period at the end and inserting ''and $25,328,000 for each of fiscal years 2011 and 2012.''.

SEC. 122. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

''(8) $212,000,000 for fiscal year 2012.''.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Section 31104(i)(1)(H) of title 49, United States Code, is amended to read as follows:

''(H) $244,144,000 for fiscal year 2012.''.

(2) TECHNICAL CORRECTION.—Section 31104(i)(1)(F) of title 49, United States Code, is amended to read as follows:

''(F) $239,828,000 for fiscal year 2010;''.

(c) GRANT PROGRAMS.—Section 4101(c) of SAFETEA–LU (119 Stat. 1715) is amended—

(1) in paragraph (1) by striking ''and $22,500,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''and $30,000,000 for fiscal year 2012.'';

(2) in paragraph (2) by striking ''2011 and $24,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''2012.'';

(3) in paragraph (3) by striking ''2011 and $3,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''2012.'';

(4) in paragraph (4) by striking ''2011 and $18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''2012.''; and

(5) in paragraph (5) by striking ''2011 and $2,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.'' and inserting ''2012.''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''2011 and $11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking ''and up to $21,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,''.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking ''and 2011 (and $750,000 to the Federal Motor Carrier Safety Administration, and $2,250,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on June 30, 2012)'' and inserting ''2011, and 2012''.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (119 Stat. 1744) is amended by striking ''2011 and $750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''.

(h) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of SAFETEA–LU (119 Stat. 1748) is amended by striking ''June 30, 2012'' and inserting ''September 30, 2012''.

(i) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of SAFETEA–LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking ''June 30, 2012'' and inserting ''September 30, 2012''.

SEC. 123. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of SAFETEA–LU (119 Stat. 1910) is amended by striking ''and $870,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $1,160,000 for fiscal year 2012''.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking ''2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012,''; and

(2) in the first sentence of subsection (b)(1)(A) by striking ''2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012,''.

Subtitle C—Public Transportation Programs

SEC. 131. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking ''2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012'' and inserting ''2012''.

SEC. 132. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) by striking the paragraph heading and inserting ''SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2012.—'';

(2) in subparagraph (A) by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012,''; and

(3) in subparagraph (E)—

(A) by striking the subparagraph heading and inserting ''MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2012.—''; and

(B) in the matter preceding clause (i) by striking ''2011 and during the period beginning on October 1, 2011, and ending on June 30, 2012'' and inserting ''2012''.

SEC. 133. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting ''FISCAL YEARS 2006 THROUGH 2012.—'';

(B) in the matter preceding subparagraph (A) by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''; and

(C) in subparagraph (A)(i) by striking ''2011 and $150,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012'';

(2) in paragraph (6)—

(A) in subparagraph (B) by striking ''2011 and $11,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''; and

(B) in subparagraph (C) by striking ''though 2011 and $3,750,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''through 2012''; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

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

(I) in the first sentence by striking ''2011 and $7,500,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''; and

(II) in the second sentence by inserting ''each fiscal year'' before the colon;

(ii) in clause (i) by striking ''for each fiscal year and $1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(iii) in clause (ii) by striking ''for each fiscal year and $1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(iv) in clause (iii) by striking ''for each fiscal year and $750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(v) in clause (iv) by striking ''for each fiscal year and $750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(vi) in clause (v) by striking ''for each fiscal year and $750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(vii) in clause (vi) by striking ''for each fiscal year and $750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(viii) in clause (vii) by striking ''for each fiscal year and $487,500 for the period beginning on October 1, 2011, and ending on June 30, 2012,''; and

(ix) in clause (viii) by striking ''for each fiscal year and $262,500 for the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(B) in subparagraph (B) by striking clause (vii) and inserting the following:

''(vii) $13,500,000 for fiscal year 2012.'';

(C) in subparagraph (C) by striking ''and during the period beginning on October 1, 2011, and ending on June 30, 2012,'';

(D) in subparagraph (D) by striking ''and not less than $26,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,''; and

(E) in subparagraph (E) by striking ''and $2,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,''.

SEC. 134. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1)(G) of title 49, United States Code, is amended to read as follows:

''(G) $15,000,000 for fiscal year 2012.''.

SEC. 135. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended by striking subsection (g).

SEC. 136. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking subparagraph (G) and inserting the following:

''(G) $8,360,565,000 for fiscal year 2012.''; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking ''$113,500,000 for each of fiscal years 2009 through 2011, and $85,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $113,500,000 for each of fiscal years 2009 through 2012'';

(B) in subparagraph (B) by striking ''$4,160,365,000 for each of fiscal years 2009 through 2011, and $3,120,273,750 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $4,160,365,000 for each of fiscal years 2009 through 2012'';

(C) in subparagraph (C) by striking ''$51,500,000 for each of fiscal years 2009 through 2011, and $38,625,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $51,500,000 for each of fiscal years 2009 through 2012'';

(D) in subparagraph (D) by striking ''$1,666,500,000 for each of fiscal years 2009 through 2011, and $1,249,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $1,666,500,000 for each of fiscal years 2009 through 2012'';

(E) in subparagraph (E) by striking ''$984,000,000 for each of fiscal years 2009 through 2011, and $738,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $984,000,000 for each of fiscal years 2009 through 2012'';

(F) in subparagraph (F) by striking ''$133,500,000 for each of fiscal years 2009 through 2011, and $100,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $133,500,000 for each of fiscal years 2009 through 2012'';

(G) in subparagraph (G) by striking ''$465,000,000 for each of fiscal years 2009 through 2011, and $348,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $465,000,000 for each of fiscal years 2009 through 2012'';

(H) in subparagraph (H) by striking ''$164,500,000 for each of fiscal years 2009 through 2011, and $123,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $164,500,000 for each of fiscal years 2009 through 2012'';

(I) in subparagraph (I) by striking ''$92,500,000 for each of fiscal years 2009 through 2011, and $69,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $92,500,000 for each of fiscal years 2009 through 2012'';

(J) in subparagraph (J) by striking ''$26,900,000 for each of fiscal years 2009 through 2011, and $20,175,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $26,900,000 for each of fiscal years 2009 through 2012'';

(K) in subparagraph (K) by striking ''for each of fiscal years 2006 through 2011 and $2,625,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''for each of fiscal years 2006 through 2012'';

(L) in subparagraph (L) by striking ''for each of fiscal years 2006 through 2011 and $18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''for each of fiscal years 2006 through 2012'';

(M) in subparagraph (M) by striking ''$465,000,000 for each of fiscal years 2009 through 2011, and $348,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $465,000,000 for each of fiscal years 2009 through 2012''; and

(N) in subparagraph (N) by striking ''$8,800,000 for each of fiscal years 2009 through 2011, and $6,600,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''and $8,800,000 for each of fiscal years 2009 through 2012''.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c)(7) of title 49, United States Code, is amended to read as follows:

''(7) $1,955,000,000 for fiscal year 2012.''.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''through 2011, and $33,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''through 2011, and $44,000,000 for fiscal year 2012,''; and

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

''(3) ADDITIONAL AUTHORIZATIONS.—

''(A) RESEARCH.—Of amounts authorized to be appropriated under paragraph (1) for fiscal year 2012, the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 63 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

''(B) UNIVERSITY CENTERS PROGRAM.—

''(i) FISCAL YEAR 2012.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for fiscal year 2012, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 63 percent of the amount allocated for fiscal year 2009 under each such clause.

''(ii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2011, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) for the project or activity for fiscal year 2012 or any subsequent fiscal year.''.

(d) ADMINISTRATION.—Section 5338(e)(7) of title 49, United States Code, is amended to read as follows:

''(7) $98,713,000 for fiscal year 2012.''.

SEC. 137. AMENDMENTS TO SAFETEA–LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA–LU (119 Stat. 1572) is amended by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012,''.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of SAFETEA–LU (49 U.S.C. 5309 note; 119 Stat. 1588) is amended—

(1) in subsection (c)(5) by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012'' and inserting ''2012''; and

(2) in the second sentence of subsection (d) by striking ''2011 and the period beginning on

October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of SAFETEA–LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking ''June 30, 2012'' and inserting ''September 30, 2012''.

(d) OBLIGATION CEILING.—Section 3040(8) of SAFETEA–LU (119 Stat. 1639) is amended to read as follows:

''(8) $10,458,278,000 for fiscal year 2012, of which not more than $8,360,565,000 shall be from the Mass Transit Account.''.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of SAFETEA–LU (119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,'' and inserting ''2012''.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of SAFETEA–LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended—

(1) in subsection (b) by striking ''fiscal year or period'' and inserting ''fiscal year''; and

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

''(2) for fiscal year 2012, in amounts equal to 63 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), and (8) through (25) of subsection (a).''.

Subtitle D—Highway Trust Fund Extension

SEC. 141. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''June 30, 2012'' and inserting ''September 30, 2012'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking ''July 1, 2012'' and inserting ''October 1, 2012'':

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of such Code is amended—

(1) by striking ''July 1, 2012'' each place it appears and inserting ''October 1, 2012'';

(2) by striking ''December 31, 2012'' each place it appears and inserting ''March 31, 2013''; and

(3) by striking ''October 1, 2012'' and inserting ''January 1, 2013''.

(c) EXTENSION OF CERTAIN EXEMPTIONS.—Sections 4221(a) and 4483(i) of such Code are each amended by striking ''July 1, 2012'' and inserting ''October 1, 2012''.

(d) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of such Code is amended—

(A) in subsection (b)—

(i) by striking ''July 1, 2012'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2012'';

(ii) by striking ''JULY 1, 2012'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2012'';

(iii) by striking ''June 30, 2012'' in paragraph (2) and inserting ''September 30, 2012''; and

(iv) by striking ''April 1, 2013'' in paragraph (2) and inserting ''July 1, 2013''; and

(B) in subsection (c)(2), by striking ''April 1, 2013'' and inserting ''July 1, 2013''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking ''July 1, 2012'' and inserting ''October 1, 2012''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–11(b)) is amended—

(i) by striking ''July 1, 2013'' each place it appears and inserting ''October 1, 2013''; and

(ii) by striking ''July 1, 2012'' and inserting ''October 1, 2012''.

(e) TECHNICAL CORRECTION.—Paragraph (4) of section 4482(c) of such Code is amended to read as follows:

''(4) TAXABLE PERIOD.—The term 'taxable period' means any year beginning before July 1, 2013, and the period which begins on July 1, 2013, and ends at the close of September 30, 2013.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 2012.

(2) TECHNICAL CORRECTION.—The amendment made by subsection (e) shall take effect as if included in section 402 of the Surface Transportation Extension Act of 2012.

SEC. 142. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''July 1, 2012'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2012''; and

(2) by striking ''Surface Transportation Extension Act of 2012'' in subsections (c)(1) and (e)(3) and inserting ''Surface Transportation Extension Act of 2012, Part II''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking ''Surface Transportation Extension Act of 2012'' each place it appears in subsection (b)(2) and inserting ''Surface Transportation Extension Act of 2012, Part II''; and

(2) by striking ''July 1, 2012'' in subsection (d)(2) and inserting ''October 1, 2012''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of such Code is amended by striking ''July 1, 2012'' and inserting ''October 1, 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2012.

TITLE II—KEYSTONE XL PIPELINE

SEC. 201. SHORT TITLE.

This title may be cited as the ''North American Energy Access Act''.

SEC. 202. RESTRICTION.

(a) IN GENERAL.—No person may construct, operate, or maintain the oil pipeline and related facilities described in subsection (b) except in accordance with a permit issued under this title.

(b) PIPELINE.—The pipeline and related facilities referred to in subsection (a) are those described in the Final Environmental Impact Statement for the Keystone XL Pipeline Project issued by the Department of State on August 26, 2011, including any modified version of that pipeline and related facilities.

SEC. 203. PERMIT.

(a) ISSUANCE.—

(1) BY FERC.—The Federal Energy Regulatory Commission shall, not later than 30 days after receipt of an application therefor, issue a permit without additional conditions for the construction, operation, and maintenance of the oil pipeline and related facilities described in section 202(b), to be implemented in accordance with the terms of the Final Environmental Impact Statement described in section 202(b). The Commission shall not be required to prepare a Record of Decision under section 1505.2 of title 40 of the Code of Federal Regulations with respect to issuance of the permit provided for in this section.

(2) ISSUANCE IN ABSENCE OF FERC ACTION.—If the Federal Energy Regulatory Commission has not acted on an application for a permit described in paragraph (1) within 30 days after receiving such application, the permit shall be deemed to have been issued under this title upon the expiration of such 30-day period.

(b) MODIFICATION.—

(1) IN GENERAL.—The applicant for or holder of a permit described in subsection (a) may make a substantial modification to the pipeline route or any other term of the Final Environmental Impact Statement described in section 202(b) only with the approval of the Federal Energy Regulatory Commission. The Commission shall expedite consideration of any such modification proposal.

(2) NEBRASKA MODIFICATION.—Within 30 days after the date of enactment of this Act, the Federal Energy Regulatory Commission shall enter into a memorandum of understanding with the State of Nebraska for an effective and timely review under the National Environmental Policy Act of 1969 of any modification to the proposed pipeline route in Nebraska as proposed by the applicant for the permit described in subsection (a). Not later than 30 days after receiving approval of such proposed modification from the Governor of Nebraska, the Commission shall complete consideration of and approve such modification.

(3) ISSUANCE IN ABSENCE OF FERC ACTION.—If the Federal Energy Regulatory Commission has not acted on an application for approval of a modification described in paragraph (2) within 30 days after receiving such application, such modification shall be deemed to have been issued under this title upon expiration of the 30-day period.

(4) CONSTRUCTION DURING CONSIDERATION OF NEBRASKA MODIFICATION.—While any modification of the proposed pipeline route in Nebraska is under consideration pursuant to paragraph (2), the holder of the permit issued under subsection (a) may commence or continue with construction of any portion of the pipeline and related facilities described in section 202(b) that is not within the State of Nebraska.

(c) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Except for actions taken under subsection (b)(1), the actions taken pursuant to this title shall be taken without further action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 204. RELATION TO OTHER LAW.

(a) GENERAL RULE.—Notwithstanding Executive Order 13337 (3 U.S.C. 301 note), Executive Order 11423 (3 U.S.C. 301 note), section 301 of title 3, United States Code, and any other Executive Order or provision of law, no presidential permits shall be required for the construction, operation, and maintenance of the pipeline and related facilities described in section 202(b) of this Act.

(b) APPLICABILITY.—Nothing in this title shall affect the application to the pipeline and related facilities described in section 202(b) of—

(1) chapter 601 of title 49, United States Code; or

(2) the authority of the Federal Energy Regulatory Commission to regulate oil pipeline rates and services.

(c) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The final environmental impact statement issued by the Secretary of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE III—RESTORE ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012''.

SEC. 302. GULF COAST RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Gulf Coast Restoration Trust Fund'' (referred to in this section as the ''Trust Fund''), consisting of such amounts as are deposited in the Trust Fund under this section or any other provision of law.

(b) TRANSFERS.—The Secretary of the Treasury shall deposit in the Trust Fund an amount equal to 80 percent of all administrative and civil penalties paid by responsible parties after the date of enactment of this title in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon pursuant to a court order, negotiated settlement, or other instrument in accordance with section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(c) EXPENDITURES.—Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall be available, pursuant to a future Act of Congress enacted after the date of enactment of this Act—

(1) for expenditure to restore the Gulf Coast region from the Deepwater Horizon oil spill for undertaking projects and programs in the Gulf Coast region that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region; and

(2) solely to Gulf Coast States and coastal political subdivisions to restore the ecosystems and economy of the Gulf Coast region.

(d) INVESTMENT.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this section.

(e) DEFINITIONS.—In this section:

(1) COASTAL POLITICAL SUBDIVISION.—The term ''coastal political subdivision'' means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico.

(2) DEEPWATER HORIZON OIL SPILL.—The term ''Deepwater Horizon oil spill'' means the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(3) GULF COAST REGION.—The term ''Gulf Coast region'' means—

(A) in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) that border the Gulf of Mexico;

(B) any adjacent land, water, and watersheds, that are within 25 miles of those coastal zones of the Gulf Coast States; and

(C) all Federal waters in the Gulf of Mexico.

(4) GULF COAST STATE.—The term ''Gulf Coast State'' means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

The CHAIR. No amendment to the bill shall be in order except those printed in House Report 112–446. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BOUSTANY

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–446.

Mr. BOUSTANY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE IV—HARBOR MAINTENANCE PROGRAMS

SEC. 401. FUNDING FOR HARBOR MAINTENANCE PROGRAMS.

(a) HARBOR MAINTENANCE TRUST FUND GUARANTEE.—

(1) IN GENERAL.—The total budget resources for a fiscal year shall be equal to the level of receipts for harbor maintenance for that fiscal year. Such amounts shall be used only for harbor maintenance programs.

(2) GUARANTEE.—No funds may be appropriated for harbor maintenance programs unless the amount under paragraph (1) has been provided for all such programs.

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

(1) HARBOR MAINTENANCE PROGRAMS.—The term ''harbor maintenance programs'' means expenditures under section 9505(c)(1) of the Internal Revenue Code of 1986 (relating to expenditures from the Harbor Maintenance Trust Fund).

(2) LEVEL OF RECEIPTS FOR HARBOR MAINTENANCE.—The term ''level of receipts for harbor maintenance'' means the level of taxes credited to the Harbor Maintenance Trust Fund under section 9505(a)(1) of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code, reduced by the amount requested in such President's budget for payments described in section 9505(c)(3) of the Internal Revenue Code of 1986.

(3) TOTAL BUDGET RESOURCES.—The term ''total budget resources'' means the total amount made available by appropriations Acts from the Harbor Maintenance Trust Fund for a fiscal year for making expenditures under section 9505(c)(1) of the Internal Revenue Code of 1986.

The CHAIR. Pursuant to House Resolution 619, the gentleman from Louisiana (Mr. BOUSTANY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. BOUSTANY. Mr. Chairman, in 1986, Congress created the Harbor Maintenance Trust Fund and the harbor maintenance tax, a dedicated user fee, to provide a steady revenue source for the Army Corps of Engineers to carry out the dredging of our critical navigation channels to meet their authorized specifications with regard to depth and width.

In the year 2011, the harbor maintenance tax that was collected was $1.4 billion, but only slightly over half of that was directed to the intended purpose: the operations and maintenance purposes. Yet less than 35 percent of our top Nation's harbors and ports are dredged adequately. This is hurting American competitiveness. It's hurting American exports. It's hurting American commerce. Frankly, as the Ways and Means Oversight Subcommittee chairman, I find this an egregious abuse of this tax.

My amendment does this: it basically ties the harbor maintenance tax revenue receipts to expenditures. All funds collected shall be utilized for the purposes that they were intended, and that is for the maintenance of our Nation's ports and harbors.

Mr. Chairman, in January 2012 alone, five ships ran aground in the lower Mississippi River, which is our Nation's largest export artery. This funding is critical to prevent draft restrictions, which have negatively affected our commerce. It is critical for expanding exports, and it is critical in its support for the American exploration and production of American energy. Furthermore, the Congressional Budget Office does not issue a score on this. It doesn't add one penny to the deficit.

□ 1510

This amendment is critical for American competitiveness. It gives the House a strength of hand going into conference with the Senate as I look forward to continuing to find alternative ways to enforce that these funds are dedicated swiftly and solely for the intended purpose, and that is for port and waterways maintenance.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, although not in opposition, I ask unanimous consent to claim the time.

The CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

I've long supported changing the law so that the funds collected for harbor maintenance are spent on harbor maintenance. They're spent all across the country on a whole range of things, except harbor maintenance. I have jetties failing in Coos Bay, Oregon; a jetty failing at the mouth of the Columbia River. I have ports that are shoaling in Port Orford or Florence that the Corps says they can't afford dredging. I don't blame the Corps because they've been shorted in the budget process. They

have a $40 billion backlog of critical projects.

This will help them focus their energies on some other critical projects by giving them adequate funds to do the dredging, to rebuild the jetties, and to do the other work to maintain our locks and channels that they need to do.

This is long overdue, and I strongly support the amendment.

Mr. BOUSTANY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. GIBBS), the chairman of the Subcommittee on Water Resources and Environment.

Mr. GIBBS. I thank the gentleman for yielding me time to discuss this important amendment.

Congress has been neglecting our Nation's dredging needs for far too long. Ninety-five percent of the Nation's commerce goes through our Nation's ports. Despite the fact that the harbor maintenance fund, as was said, raises about $1.3 billion a year, Congress has only been appropriating about $800 million of that annually. This isn't right. I'm a firm believer that trust funds should be used for the intended purpose—to dredge the harbors.

In response, Congressman BOUSTANY introduced H.R. 104, the Realize America's Maritime Promise, RAMP Act. This legislation, of which I was proud to be the 100th cosponsor, simply ties the Harbor Maintenance Trust Fund revenue to expenditures.

While this amendment is slightly modified from H.R. 104, it would require the total budget resources for expenditures for the trust fund for harbor maintenance programs to equal the level of receipts plus interest credited to the trust fund for that fiscal year.

At a time where the President proposes to double our exports and we look to grow our Nation's economy, we cannot sit back and continue to watch our Nation's waterborne infrastructure system deteriorate.

I urge support of this amendment.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Chairman, I rise in support of my friend Mr. BOUSTANY's amendment. I think it's a good step forward. Spending all the money that's in the cash that we take in is in the best interest of maintaining our harbors. But I think we need to take another step. I hope I can get Mr. BOUSTANY and others to help.

We need a solution that helps all our ports, like those on the west coast, those in Pennsylvania, those in Massachusetts that pay the tax. We collect $20 on every can that comes across the dock, and we don't get any money because we don't dredge. We've got a 70-foot draft, but we do have problems with our seawall. We have big infrastructure needs all across, and nearly half the money that's raised never is spent in the port where it is raised.

Now, we compete with international ports. We compete with Vancouver, and the Canadians are putting in a port at Prince Rupert, and we need to maintain our ports to be competitive in this very, very competitive industry.

We have a good geographic location. We're close to Asia, but they're going other places because they've got better ports. That's our issue, and we would like to have some money later on.

Thank you very much. I support the amendment.

Mr. BOUSTANY. Mr. Chairman, I yield 1 minute to my friend from Louisiana (Mr. SCALISE).

Mr. SCALISE. Mr. Chairman, I thank my friend from southwest Louisiana for bringing this amendment forward.

As a proud cosponsor of the RAMP Act, I support this legislation because what we're trying to say here is that you've got people that have been paying into this fund. This Harbor Maintenance Trust Fund has been there for years, and people have been paying into it, and the intention all along was that money would be used to dredge our waterways and to upgrade our locks and to keep our infrastructure along our waterways up to date so that we can continue moving commerce, not only throughout this country, but to be able to export and to be able to get commerce through to other countries. The Panama Canal is getting ready to come on line in 2013, and even deeper draft vessels are going to be coming through. That means we've got to be able to meet that demand, otherwise we're going to lose that business to foreign nations.

And yet here you have the Harbor Maintenance Trust Fund, and that money is not even being used for its intended purpose. We've got to ensure that the fund cannot be raided for other government spending. That's what this amendment does. It's something that will help us create jobs and increase the competitiveness of our workers, and it will keep that promise that has been made to those people who have been paying billions of dollars into this fund, and yet that fund hasn't been used properly.

I support the amendment and urge its passage.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in support of the amendment as the lead cosponsor with Mr. BOUSTANY of the RAMP Act, H.R. 104, that had approximately over 150 cosponsors on both sides of the aisle, people from all corners of the country. This really should be a measure that we should move forward on and fully fund, as well as with the language that, again, Mr. BOUSTANY crafted to offer here today.

There, frankly, are other reasons why we called that bill the Restore America's Maritime Promise Act, which is that again we're a great maritime Nation. In fact, our national defense requires having a strong Navy that can navigate all along the coast. And where I'm from, up in the State of Connecticut, the Groton sub base needs to be dredged out year in and year out. But just like everybody else, it depends on the kindness of the Army Corps of Engineers. This is really a priority that obviously, as others have said, affects our economy, our exports, and also our national defense, and we should support this measure.

Again, I applaud the gentleman for bringing it forward.

Mr. BOUSTANY. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. UPTON), the chairman of the Energy and Commerce Committee.

Mr. UPTON. Mr. Chairman, this is a highway and infrastructure bill, which means it is a jobs bill.

I commend Mr. BOUSTANY in a bipartisan effort to add this as an amendment to this bill.

I represent the Great Lakes. We have a number of commercial as well as recreational harbors, but throughout the season we're bringing sand, gravel, cement, salt for the winter into our commercial ports. And sadly we've had a number of ports close this year in west Michigan, where those lake carriers have not been able to get in because they need to be dredged.

This bill allows the Great Lake harbors to be dredged with its passage. The difference is this: on a lake carrier, it's about 600 miles per gallon per ton of cargo that you can ship on a lake carrier rather than spending 4 cents or 5 cents on diesel fuel per mile per truck. The difference for just my district is you can bring this in from the UP and other places into the southern part of Lake Michigan rather than trucking it in for hundreds of miles to the closest border.

This is a good bill and a good amendment. I'm glad to support it.

The CHAIR. The time of the gentleman from Louisiana has expired. The gentleman from West Virginia has 2 minutes remaining.

Mr. RAHALL. I yield 1 minute to the distinguished gentleman from Louisiana (Mr. RICHMOND) and commend him for all his hard work on this legislation.

Mr. RICHMOND. I thank the gentleman, and I join my colleagues from Louisiana in supporting this critical amendment.

What I would add is that we've talked about doubling our exports over the next 4 or 5 years, and this is a critical piece to allow us to do it. What we realize here in America is that we only make up 5 percent of the consumers in the world, and we have to make sure that our manufacturers, that our farmers, and that our citizens can get their goods to the other 95 percent so that we can continue to build a robust economy. This allows us to reduce the cost of our goods around the world because we can now ship more goods to market. It's a step in the right direction.

If you look at the fact that only 2 out of our 10 largest seaports are dredged to their authorized depth, it continues

to move us in the right direction so that we can now focus on adequately getting to the goal of a depth of 55 feet, which other progressive countries are getting to.

We have to stay competitive, we have to continue to invest in this country, and this gives us the best return on our investment. I commend him for bringing the amendment. I support it. I would urge my colleagues to vote for it.

□ 1520

Mr. RAHALL. Mr. Chairman, has their time expired?

The CHAIR. The time of the gentleman from Louisiana has expired.

Mr. BOUSTANY. Mr. Chairman, I ask unanimous consent to give the gentleman from Michigan (Mr. HUIZENGA) a minute to speak on this.

The CHAIR. The chair understands the unanimous consent request to provide equal time on both sides.

Without objection, the gentleman from Louisiana and the gentleman from West Virginia each will control 1 additional minute.

There was no objection.

Mr. BOUSTANY. I would ask the gentleman if he would close for us.

The CHAIR. The gentleman from Michigan is recognized for 1 minute.

Mr. HUIZENGA of Michigan. Thank you, Mr. Chairman.

I've got a radical idea, a radical idea for the people of America. Let's use Harbor Maintenance Trust Funds for harbor maintenance. For 25 years, we've been robbing Peter to pay Paul, but in reality that $7 billion that we have taken away from that has really been robbing places like Manistee, Michigan, where this weekend in my district a ship ran aground and had to get towed off and the damage that happened to it.

We have 11 harbors in the Second District, hundreds in the Great Lakes and countless in the Nation on both of the coasts and the Gulf of Mexico. Enough money has been collected every year to pay for all of this maintenance that has to happen, but unfortunately Congress has been skimming it to help pay for other programs.

I appreciate my friend from Louisiana (Mr. BOUSTANY), his leadership with the RAMP Act, and Chairman UPTON from Michigan in leading this in the Great Lakes. We know this is the right thing to do for America and for our transportation needs, our infrastructure needs. Our Great Lakes need it. The coasts need it, our harbors need it, our economy needs this to happen.

I strongly support this amendment today.

Mr. RAHALL. Mr. Chairman, I yield 1 minute of my final 2 minutes to the distinguished gentleman from Massachusetts, a member of the Ways and Means committee, Mr. RICHARD NEAL.

Mr. NEAL. Mr. Chairman, everybody has heard of Gloucester and Boston, and certainly connected it to the Mayflower. The most famous ports in America perhaps are located in Massachusetts, so I want to be supportive of Mr. BOUSTANY's amendment today.

Today, Massachusetts seaports continue to play an important role. The Port of Boston's overall activity supports 34,000 jobs. It contributes more than $2 billion to the local, regional, and national economies. America's ports provide a vital gateway to international trade by facilitating the transport of cargo around the world; yet many ports around the country, including those in Massachusetts, are in need of maintenance.

In fact, the U.S. Army Corps of Engineers estimates that the dimensions at the Nation's busiest 59 ports are available less than 35 percent of the time. Even though users of our Nation's waterways are paying significant amounts of money into the trust fund to maintain our ports, these dollars are not being spent on the ports, and the trust fund has a surplus of $6.4 billion.

Mr. BOUSTANY's amendment addresses this situation. It makes a good deal of sense. We have held a hearing at the Ways and Means Select Revenue Subcommittee, and there was bipartisan support for his legislation.

I urge support for the Boustany amendment.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

As a Representative of the great seafaring State of West Virginia, I rise in support of the gentleman's legislation as well.

Really, ports are important to my State. We export a great deal of coal out of my district to the Port of Norfolk. The northern part of West Virginia's coal goes to the Port of Baltimore, so harbors and ports are very important to West Virginia and for the movement of our coal from the State to its world customers.

I want to commend the gentleman from Louisiana (Mr. BOUSTANY), as well, for the tremendous work he has done on this legislation. For far too long, we have been collecting far more resources in the Harbor Maintenance Trust Fund than we have transferred to the Corps of Engineers for their O&M activities, to the point where in the current fiscal year, the Harbor Maintenance Trust Fund is expected to have an unexpended balance of over $8 billion by the end of the year.

I support the gentleman's efforts to use these funds for maintenance dredging rather than to cover the general expenditures of the U.S. Treasury. However, in my view, this amendment does not go far enough because it strips out any enforcement mechanism should this language be ignored.

In addition, the language also ignores concerns expressed by our committee colleague, the ranking member of the Subcommittee on Water Resources and Environment, Mr. BISHOP of New York, on ensuring an equitable distribution of trust fund dollars between our Nation's large, midsize, and small commercial harbors.

I do look forward to working on these critical issues as we continue our discussion on a long-term surface transportation bill in conference, which we call for today.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. BOUSTANY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. RIBBLE

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–446.

Mr. RIBBLE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE IV—ENVIRONMENTAL STREAMLINING

SEC. 401. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 402. DECLARATION OF POLICY.

(a) EXPEDITED PROJECT DELIVERY.—Section 101(b) is amended by adding at the end the following:

''(4) EXPEDITED PROJECT DELIVERY.—Congress declares that it is in the national interest to expedite the delivery of surface transportation projects by substantially reducing the average length of the environmental review process. Accordingly, it is the policy of the United States that—

''(A) the Secretary shall have the lead role among Federal agencies in carrying out the environmental review process for surface transportation projects;

''(B) each Federal agency shall cooperate with the Secretary to expedite the environmental review process for surface transportation projects;

''(C) there shall be a presumption that the mode, facility type, and corridor location for a surface transportation project will be determined in the transportation planning process, as established in sections 134 and 135 and sections 5303 and 5304 of title 49;

''(D) project sponsors shall not be prohibited from carrying out pre-construction project development activities concurrently with the environmental review process;

''(E) programmatic approaches shall be used, to the maximum extent possible, to reduce the need for project-by-project reviews and decisions by Federal agencies; and

''(F) the Secretary shall actively support increased opportunities for project sponsors to assume responsibilities of the Secretary in carrying out the environmental review process.''.

SEC. 403. EXEMPTION IN EMERGENCIES.

If any road, highway, or bridge is in operation or under construction when damaged by an emergency declared by the Governor of the State and concurred in by the Secretary, or declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), and is reconstructed in the same location with the same capacity, dimensions, and design as before the emergency, then that reconstruction project shall be exempt from any further environmental reviews, approvals, licensing, and permit requirements under—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) sections 402 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1342, 1344);

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(4) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(5) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(6) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(7) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), except when the reconstruction occurs in designated critical habitat for threatened and endangered species;

(8) Executive Order 11990 (42 U.S.C. 4321 note; relating to the protection of wetlands); and

(9) any Federal law (including regulations) requiring no net loss of wetlands.

SEC. 404. ADVANCE ACQUISITION OF REAL PROPERTY INTERESTS.

(a) REAL PROPERTY INTERESTS.—Section 108 is amended—

(1) by striking ''real property'' each place it appears and inserting ''real property interests'';

(2) by striking ''right-of-way'' each place it appears and inserting ''real property interest''; and

(3) by striking ''rights-of-way'' each place it appears and inserting ''real property interests''.

(b) STATE-FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS.—Section 108(c) is amended—

(1) in the subsection heading by striking ''EARLY ACQUISITION OF RIGHTS-OF-WAY'' and inserting ''STATE-FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS'';

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(3) in paragraph (2), as redesignated—

(A) in the heading by striking ''GENERAL RULE'' and inserting ''ELIGIBILITY FOR REIMBURSEMENT''; and

(B) by striking ''Subject to paragraph (2)'' and inserting ''Subject to paragraph (3)'';

(4) by inserting before paragraph (2), as redesignated, the following:

''(1) IN GENERAL.—A State may carry out, at the expense of the State, acquisitions of interests in real property for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project by the State or any Federal agency.''; and

(5) in paragraph (3), as redesignated—

(A) in the matter preceding subparagraph (A) by striking ''in paragraph (1)'' and inserting ''in paragraph (2)''; and

(B) in subparagraph (G) by striking ''both the Secretary and the Administrator of the Environmental Protection Agency have concurred'' and inserting ''the Secretary has determined''.

(c) FEDERALLY FUNDED ACQUISITION OF REAL PROPERTY INTERESTS.—Section 108 is further amended by adding at the end the following:

''(d) FEDERALLY FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS.—

''(1) IN GENERAL.—The Secretary may authorize the use of Federal funds for the acquisition of a real property interest by a State. For purposes of this subsection, an acquisition of a real property interest includes the acquisition of any interest in land, including the acquisition of a contractual right to acquire any interest in land, or any other similar action to acquire or preserve rights-of-way for a transportation facility.

''(2) STATE CERTIFICATION.—A State requesting Federal funding for an acquisition of a real property interest shall certify in writing that—

''(A) the State has authority to acquire the real property interest under State law;

''(B) the acquisition of the real property interest is for a transportation purpose; and

''(C) the State acknowledges that early acquisition will not be considered by the Secretary in the environmental assessment of a project, the decision relative to the need to construct a project, or the selection of a project design or location.

''(3) ENVIRONMENTAL COMPLIANCE.—Before authorizing Federal funding for an acquisition of a real property interest, the Secretary shall complete for the acquisition the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). For purposes of the review process, the acquisition of a real property interest shall be treated as having independent utility and does not limit consideration of alternatives for future transportation improvements with respect to the real property interest.

''(4) PROGRAMMING.—The acquisition of a real property interest for which Federal funding is requested shall be included as a project in an applicable transportation improvement program under sections 134 and 135 and sections 5303 and 5304 of title 49. The acquisition project may be included in the transportation improvement program on its own, without including the future construction project for which the real property interest is being acquired. The acquisition project may consist of the acquisition of a specific parcel, a portion of a transportation corridor, or an entire transportation corridor.

''(5) OTHER REQUIREMENTS.—The acquisition of a real property interest shall be carried out in compliance with all requirements applicable to the acquisition of real property interests for federally funded transportation projects.

''(e) CONSIDERATION OF LONG-RANGE TRANSPORTATION NEEDS.—The Secretary shall encourage States and other public authorities, if practicable, to acquire transportation real property interests that are sufficient to accommodate long-range transportation needs and, if possible, to do so through the acquisition of broad real property interests that have the capacity for expansion over a 50- to 100-year period and the potential to accommodate one or more transportation modes.''.

SEC. 405. STANDARDS.

Section 109 is amended by adding at the end the following:

''(r) UNDERTAKING DESIGN ACTIVITIES BEFORE COMPLETION OF ENVIRONMENTAL REVIEW PROCESS.—

''(1) IN GENERAL.—A State may carry out, at the expense of the State, design activities at any level of detail for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals of the project.

''(2) ELIGIBILITY FOR REIMBURSEMENT.—Subject to paragraph (3), funds apportioned to a State under this title may be used to participate in the payment of costs incurred by the State for design activities, if the results of the activities are subsequently incorporated (in whole or in substantial part) into a project eligible for surface transportation program funds.

''(3) TERMS AND CONDITIONS.—The Federal share payable of the costs described in paragraph (2) shall be eligible for reimbursement out of funds apportioned to a State under this title when the design activities are incorporated (in whole or in substantial part) into a project eligible for surface transportation program funds, if the State demonstrates to the Secretary and the Secretary finds that—

''(A) before the time that the cost incurred by a State is approved for Federal participation, environmental compliance pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been completed for the project for which the design activities were conducted by the State; and

''(B) the design activities conducted pursuant to this subsection did not preclude the consideration of alternatives to the project.''.

SEC. 406. LETTING OF CONTRACTS.

(a) BIDDING REQUIREMENTS.—Section 112(b)(1) is amended to read as follows:

''(1) IN GENERAL.—

''(A) COMPETITIVE BIDDING REQUIREMENT.—Subject to paragraphs (2), (3), and (4), construction of each project, subject to the provisions of subsection (a), shall be performed by contract awarded by competitive bidding, unless the State transportation department demonstrates, to the satisfaction of the Secretary, that some other method is more cost effective or that an emergency exists.

''(B) BASIS OF AWARD.—

''(i) IN GENERAL.—Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility.

''(ii) PROHIBITION.—No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.''.

(b) DESIGN-BUILD CONTRACTING.—Section 112(b)(3) is amended—

(1) in subparagraph (A) by striking ''subparagraph (C)'' and inserting ''subparagraph (B)'';

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (E) as subparagraphs (B) through (D), respectively; and

(4) in subparagraph (C), as redesignated—

(A) in the matter preceding clause (i) by striking ''of the SAFETEA-LU'' and inserting ''of the Surface Transportation Extension Act of 2012, Part II'';

(B) in clause (ii) by striking ''and'' at the end;

(C) in clause (iii)—

(i) by striking ''final design or''; and

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

(D) by adding at the end the following:

''(iv) permit the State transportation department, the local transportation agency, and the design-build contractor to proceed, at the expense of one or more of those entities, with design activities at any level of detail for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project. Design activities carried out under this clause shall be eligible for Federal reimbursement as a project expense in accordance with the requirements under section 109(r).''.

(c) EFFICIENCIES IN CONTRACTING.—Section 112(b) is amended by adding at the end the following:

''(4) METHOD OF CONTRACTING.—

''(A) IN GENERAL.—

''(i) TWO-PHASE CONTRACT.—A contracting agency may award a two-phase contract for preconstruction and construction services.

''(ii) PRE-CONSTRUCTION SERVICES PHASE.—In the pre-construction services phase, the contractor shall provide the contracting

agency with advice for scheduling, work sequencing, cost engineering, constructability, cost estimating, and risk identification.

''(iii) AGREEMENT.—Prior to the start of the construction services phase, the contracting agency and the contractor may agree to a price and other factors specified in regulation for the construction of the project or a portion of the project.

''(iv) CONSTRUCTION PHASE.—If an agreement is reached under clause (iii), the contractor shall be responsible for the construction of the project or portion of the project at the negotiated price and other factors specified in regulation.

''(B) SELECTION.—A contract shall be awarded to a contractor using a competitive selection process based on qualifications, experience, best value, or any other combination of factors considered appropriate by the contracting agency.

''(C) TIMING.—

''(i) RELATIONSHIP TO NEPA PROCESS.—Prior to the completion of the process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), a contracting agency may—

''(I) issue requests for proposals;

''(II) proceed with the award of a contract for preconstruction services under subparagraph (A); and

''(III) issue notices to proceed with a preliminary design and any work related to preliminary design.

''(ii) PRECONSTRUCTION SERVICES PHASE.—If the preconstruction services phase of a contract under subparagraph (A)(ii) focuses primarily on one alternative, the Secretary shall require that the contract include appropriate provisions to achieve the objectives of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) and comply with other applicable Federal laws and regulations.

''(iii) CONSTRUCTION SERVICES PHASE.—A contracting agency may not proceed with the award of the construction services phase of a contract under subparagraph (A)(iv) and may not proceed, or permit any consultant or contractor to proceed, with construction until completion of the process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(iv) APPROVAL REQUIREMENT.—Prior to authorizing construction activities, the Secretary shall approve the contracting agency's price estimate for the entire project, as well as any price agreement with the general contractor for the project or a portion of the project.

''(v) DESIGN ACTIVITIES.—A contracting agency may proceed, at its expense, with design activities at any level of detail for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project. Design activities carried out under this clause shall be eligible for Federal reimbursement as a project expense in accordance with the requirements under section 109(r).''.

SEC. 407. ELIMINATION OF DUPLICATION IN HISTORIC PRESERVATION REQUIREMENTS.

(a) PRESERVATION OF PARKLANDS.—Section 138 is amended by adding at the end the following:

''(c) ELIMINATION OF DUPLICATION FOR HISTORIC SITES AND PROPERTIES.—The requirements of this section shall be considered to be satisfied for an historic site or property where its treatment has been agreed upon in a memorandum of agreement by invited and mandatory signatories, including the Advisory Council on Historic Preservation, if participating, in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f).''.

(b) POLICY ON LANDS, WILDLIFE AND WATERFOWL REFUGES, AND HISTORIC SITES.—Section 303 of title 49, United States Code, is amended by adding at the end the following:

''(e) ELIMINATION OF DUPLICATION FOR HISTORIC SITES AND PROPERTIES.—The requirements of this section shall be considered to be satisfied for an historic site or property where its treatment has been agreed upon in a memorandum of agreement by invited and mandatory signatories, including the Advisory Council on Historic Preservation, if participating, in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f).''.

SEC. 408. FUNDING THRESHOLD.

Section 139(b) is amended by adding at the end the following:

''(3) FUNDING THRESHOLD.—The Secretary's approval of a project receiving funds under this title or under chapter 53 of title 49 shall not be considered a Federal action for the purposes of the National Environmental Policy Act of 1969 if such funds—

''(A) constitute 15 percent or less of the total estimated project costs; or

''(B) are less than $10,000,000.''.

SEC. 409. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) FLEXIBILITY.—Section 139(b) is further amended—

(1) in paragraph (2) by inserting '', and any requirements established in this section may be satisfied,'' after ''exercised''; and

(2) by adding after paragraph (3), as added by this Act, the following:

''(4) PROGRAMMATIC COMPLIANCE.—At the request of a State, the Secretary may modify the procedures developed under this section to encourage programmatic approaches and strategies with respect to environmental programs and permits (in lieu of project-by-project reviews).''.

(b) FEDERAL LEAD AGENCY.—Section 139(c) is amended—

(1) in paragraph (1) by adding at the end the following: ''If the project requires approval from more than one modal administration within the Department, the Secretary shall designate a single modal administration to serve as the Federal lead agency for the Department in the environmental review process for the project.'';

(2) in paragraph (3) by inserting ''or other approvals by the Secretary'' after ''chapter 53 of title 49''; and

(3) by striking paragraph (5) and inserting the following:

''(5) ADOPTION AND USE OF DOCUMENTS.—Any environmental document prepared in accordance with this subsection shall be adopted and used by any Federal agency in making any approval of a project subject to this section as the document required to be completed under the National Environmental Policy Act of 1969.''.

(c) PARTICIPATING AGENCIES.—

(1) EFFECT OF DESIGNATION.—Section 139(d)(4) is amended to read as follows:

''(4) EFFECT OF DESIGNATION.—

''(A) REQUIREMENT.—A participating agency shall comply with the requirements of this section and any schedule established under this section.

''(B) IMPLICATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

''(i) supports a proposed project; or

''(ii) has any jurisdiction over, or special expertise with respect to evaluation of, the project.''.

(2) CONCURRENT REVIEWS.—Section 139(d)(7) is amended to read as follows:

''(7) CONCURRENT REVIEWS.—Each participating agency and cooperating agency shall—

''(A) carry out obligations of that agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

''(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.''.

(d) PROJECT INITIATION.—Section 139(e) is amended by adding at the end the following: ''The project sponsor may satisfy this requirement by submitting to the Secretary a draft notice for publication in the Federal Register announcing the preparation of an environmental impact statement for the project.''.

(e) ALTERNATIVES ANALYSIS.—Section 139(f) is amended—

(1) in paragraph (4)—

(A) by amending subparagraph (B) to read as follows

''(B) RANGE OF ALTERNATIVES.—

''(i) IN GENERAL.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for consideration in any document which the lead agency is responsible for preparing for the project.

''(ii) LIMITATION.—The range of alternatives shall be limited to alternatives that are consistent with the transportation mode and general design of the project described in the long-range transportation plan or transportation improvement program prepared pursuant to section 134 or 135 or section 5303 or 5304 of title 49.

''(iii) RESTRICTION.—A Federal agency may not require the evaluation of any alternative that was evaluated, but not adopted—

''(I) in any prior State or Federal environmental document with regard to the applicable long-range transportation plan or transportation improvement program; or

''(II) after the preparation of a programmatic or tiered environmental document that evaluated alternatives to the project.

''(iv) LEGAL SUFFICIENCY.—The evaluation of the range of alternatives shall be deemed legally sufficient if the environmental document complies with the requirements of this paragraph.'';

(B) in subparagraph (C)—

(i) by striking ''(C) METHODOLOGIES.—The lead agency'' and inserting the following:

''(C) METHODOLOGIES.—

''(i) IN GENERAL.—The lead agency'';

(ii) by striking ''in collaboration with participating agencies at appropriate times during the study process'' and inserting ''after consultation with participating agencies as part of the scoping process''; and

(iii) by adding at the end the following:

''(ii) COMMENTS.—Each participating agency shall limit comments on such methodologies to those issues that are within the authority and expertise of such participating agency.

''(iii) STUDIES.—The lead agency may not conduct studies proposed by any participating agency that are not within the authority or expertise of such participating agency.''; and

(C) by adding at the end the following:

''(E) LIMITATIONS ON THE EVALUATION OF IMPACTS EVALUATED IN PRIOR ENVIRONMENTAL DOCUMENTS.—

''(i) IN GENERAL.—The lead agency may not reevaluate, and a Federal agency may not require the reevaluation of, cumulative impacts or growth-inducing impacts where such impacts were previously evaluated in—

''(I) a long-range transportation plan or transportation improvement program developed pursuant to section 134 or 135 or section 5303 or 5304 of title 49;

''(II) a prior environmental document approved by the Secretary; or

''(III) a prior State environmental document approved pursuant to a State law that is substantially equivalent to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

''(ii) LEGAL SUFFICIENCY.—The evaluation of cumulative impacts and growth inducing impacts shall be deemed legally sufficient if the environmental document complies with the requirements of this paragraph.''; and

(2) by adding at the end the following:

''(5) EFFECTIVE DECISIONMAKING.—

''(A) CONCURRENCE.—At the discretion of the lead agency, a participating agency shall be presumed to concur in the determinations made by the lead agency under this subsection unless the participating agency submits an objection to the lead agency in writing within 30 days after receiving notice of the lead agency's determination and specifies the statutory basis for the objection.

''(B) ADOPTION OF DETERMINATION.—If the participating agency concurs or does not object within the 30-day period, the participating agency shall adopt the lead agency's determination for purposes of any reviews, approvals, or other actions taken by the participating agency as part of the environmental review process for the project.''.

(f) COORDINATION PLAN.—Section 139(g) is amended—

(1) in paragraph (1)(A) by striking ''project or category of projects'' and inserting ''project, category of projects, or program of projects'';

(2) by amending paragraph (3) to read as follows:

''(3) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—

''(A) PRIOR APPROVAL DEADLINE.—If a participating agency is required to make a determination regarding or otherwise approve or disapprove the project prior to the record of decision or finding of no significant impact of the lead agency, such participating agency shall make such determination or approval not later than 30 days after the lead agency publishes notice of the availability of a final environmental impact statement or other final environmental document, or not later than such other date that is otherwise required by law, whichever occurs first.

''(B) OTHER DEADLINES.—With regard to any determination or approval of a participating agency that is not subject to subparagraph (A), each participating agency shall make any required determination regarding or otherwise approve or disapprove the project not later than 90 days after the date that the lead agency approves the record of decision or finding of no significant impact for the project, or not later than such other date that is otherwise required by law, whichever occurs first.

''(C) DEEMED APPROVED.—In the event that any participating agency fails to make a determination or approve or disapprove the project within the applicable deadline described in subparagraphs (A) and (B), the project shall be deemed approved by such participating agency, and such approval shall be deemed to comply with the applicable requirements of Federal law.

''(D) WRITTEN FINDING.—The Secretary may issue a written finding verifying the approval made in accordance with this paragraph.''; and

(3) by striking paragraph (4).

(g) ISSUE IDENTIFICATION AND RESOLUTION.—Section 139(h)(4) is amended by adding at the end the following:

''(C) RESOLUTION FINAL.—

''(i) IN GENERAL.—The lead agency and participating agencies may not reconsider the resolution of any issue agreed to by the relevant agencies in a meeting under subparagraph (A).

''(ii) COMPLIANCE WITH APPLICABLE LAW.—Any such resolution shall be deemed to comply with applicable law notwithstanding that the agencies agreed to such resolution prior to the approval of the environmental document.''.

(h) STREAMLINED DOCUMENTATION AND DECISIONMAKING.—Section 139 is amended—

(1) by redesignating subsections (i) through (l) as subsections (k) through (n), respectively; and

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

''(i) STREAMLINED DOCUMENTATION AND DECISIONMAKING.—

''(1) IN GENERAL.—The lead agency in the environmental review process for a project, in order to reduce paperwork and expedite decisionmaking, shall prepare a condensed final environmental impact statement.

''(2) CONDENSED FORMAT.—A condensed final environmental impact statement for a project in the environmental review process shall consist only of—

''(A) an incorporation by reference of the draft environmental impact statement;

''(B) any updates to specific pages or sections of the draft environmental impact statement as appropriate; and

''(C) responses to comments on the draft environmental impact statement and copies of the comments.

''(3) TIMING OF DECISION.—Notwithstanding any other provision of law, in conducting the environmental review process for a project, the lead agency shall combine a final environmental impact statement and a record of decision for the project into a single document if—

''(A) the alternative approved in the record of decision is either a preferred alternative that was identified in the draft environmental impact statement or is a modification of such preferred alternative that was developed in response to comments on the draft environmental impact statement;

''(B) the Secretary has received a certification from a State under section 128, if such a certification is required for the project; and

''(C) the Secretary determines that the lead agency, participating agency, or the project sponsor has committed to implement the measures applicable to the approved alternative that are identified in the final environmental impact statement.

''(j) SUPPLEMENTAL ENVIRONMENTAL REVIEW AND RE-EVALUATION.—

''(1) SUPPLEMENTAL ENVIRONMENTAL REVIEW.—After the approval of a record of decision or finding of no significant impact with regard to a project, an agency may not require the preparation of a subsequent environmental document for such project unless the lead agency determines that—

''(A) changes to the project will result in new significant impacts that were not evaluated in the environmental document; or

''(B) new information has become available or changes in circumstances have occurred after the lead agency approval of the project that will result in new significant impacts that were not evaluated in the environmental document.

''(2) RE-EVALUATIONS.—The Secretary may only require the re-evaluation of a document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if—

''(A) the Secretary determines that the events in paragraph (1)(A) or (1)(B) apply; and

''(B) more than 5 years has elapsed since the Secretary's prior approval of the project or authorization of project funding.

''(3) CHANGE TO RECORD OF DECISION.—After the approval of a record of decision, the Secretary may not require the record of decision to be changed solely because of a change in the fiscal circumstances surrounding the project.''.

(i) REGULATIONS.—Section 139(m) (as redesignated by subsection (h)(1) of this section) is further amended to read as follows:

''(m) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Surface Transportation Extension Act of 2012, Part II, the Secretary, by regulation, shall—

''(A) implement this section; and

''(B) establish methodologies and procedures for evaluating the environmental impacts, including cumulative impacts and growth-inducing impacts, of transportation projects subject to this section.

''(2) COMPLIANCE WITH APPLICABLE LAW.—Any environmental document that utilizes the methodologies and procedures established under this subsection shall be deemed to comply with the applicable requirements of—

''(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or its implementing regulations; or

''(B) any other Federal environmental statute applicable to transportation projects.''.

SEC. 410. DISPOSAL OF HISTORIC PROPERTIES.

(a) DISPOSAL OF HISTORIC PROPERTIES.—Section 156 is amended—

(1) by striking the section heading and inserting ''**Sale or lease of real property**''; and

(2) by adding at the end the following:

''(d) ASSESSMENT OF ADVERSE EFFECTS.—Notwithstanding part 800 of title 36, Code of Federal Regulations, the sale or lease by a State of any historic property that is not listed in the National Register of Historic Places shall not be considered an adverse effect to the property within any consultation process carried out under section 106 of the National Historic Preservation Act (16 U.S.C. 470f).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 is amended by striking the item relating to section 156 and inserting the following:

''156. Sale or lease of real property.''.

SEC. 411. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

''§ 167. Integration of planning and environmental review

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

''(1) ENVIRONMENTAL REVIEW PROCESS.—

''(A) IN GENERAL.—The term 'environmental review process' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(B) INCLUSIONS.—The term 'environmental review process' includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) PLANNING PRODUCT.—The term 'planning product' means any decision, analysis, study, or other documented result of an evaluation or decisionmaking process carried out during transportation planning.

''(3) PROJECT.—The term 'project' means any highway project or program of projects, public transportation capital project or program of projects, or multimodal project or

program of projects that requires the approval of the Secretary.

''(4) PROJECT SPONSOR.—The term 'project sponsor' means the agency or other entity, including any private or public-private entity, that seeks approval of the Secretary for a project.

''(b) PURPOSE AND FINDINGS.—

''(1) PURPOSE.—The purpose of this section is to establish the authority and provide procedures for achieving integrated planning and environmental review processes to—

''(A) enable statewide and metropolitan planning processes to more effectively serve as the foundation for project decisions;

''(B) foster better decisionmaking;

''(C) reduce duplication in work;

''(D) avoid delays in transportation improvements; and

''(E) better transportation and environmental results for communities and the United States.

''(2) FINDINGS.—Congress finds the following:

''(A) This section is consistent with and is adopted in furtherance of sections 101 and 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 and 4332) and section 109 of this title.

''(B) This section should be broadly construed and may be applied to any project, class of projects, or program of projects carried out under this title or chapter 53 of title 49.

''(c) ADOPTION OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and subject to the conditions set forth in subsection (e), the Federal lead agency for a project, at the request of the project sponsors, may adopt and use a planning product in proceedings relating to any class of action in the environmental review process of the project.

''(2) PARTIAL ADOPTION OF PLANNING PRODUCTS.—The Federal lead agency may adopt a planning product under paragraph (1) in its entirety or may select portions for adoption.

''(3) TIMING.—A determination under paragraph (1) with respect to the adoption of a planning product shall be made at the time the lead agencies decide the appropriate scope of environmental review for the project.

''(d) APPLICABILITY.—

''(1) PLANNING DECISIONS.—Planning decisions that may be adopted pursuant to this section include—

''(A) a purpose and need or goals and objectives statement for the project, including with respect to whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

''(B) a decision with respect to travel corridor location, including project termini;

''(C) a decision with respect to modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

''(D) a decision with respect to the elimination of unreasonable alternatives and the selection of the range of reasonable alternatives for detailed study during the environmental review process;

''(E) a basic description of the environmental setting;

''(F) a decision with respect to methodologies for analysis; and

''(G) identifications of programmatic level mitigation for potential impacts that the Federal lead agency, in consultation with Federal, State, local, and tribal resource agencies, determines are most effectively addressed at a regional or national program level, including—

''(i) system-level measures to avoid, minimize, or mitigate impacts of proposed transportation investments on environmental resources, including regional ecosystem and water resources; and

''(ii) potential mitigation activities, locations, and investments.

''(2) PLANNING ANALYSES.—Planning analyses that may be adopted pursuant to this section include studies with respect to—

''(A) travel demands;

''(B) regional development and growth;

''(C) local land use, growth management, and development;

''(D) population and employment;

''(E) natural and built environmental conditions;

''(F) environmental resources and environmentally sensitive areas;

''(G) potential environmental effects, including the identification of resources of concern and potential cumulative effects on those resources, identified as a result of a statewide or regional cumulative effects assessment; and

''(H) mitigation needs for a proposed action, or for programmatic level mitigation, for potential effects that the Federal lead agency determines are most effectively addressed at a regional or national program level.

''(e) CONDITIONS.—Adoption and use of a planning product under this section is subject to a determination by the Federal lead agency, in consultation with joint lead agencies and project sponsors as appropriate, that the following conditions have been met:

''(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

''(2) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects.

''(3) During the planning process, notice was provided through publication or other means to Federal, State, and local government agencies and tribal governments that might have an interest in the proposed project, and to members of the general public, of the planning products that the planning process might produce and that might be relied on during the environmental review process, and such entities have been provided an appropriate opportunity to participate in the planning process leading to such planning product.

''(4) Prior to determining the scope of environmental review for the project, the joint lead agencies have made documentation relating to the planning product available to Federal, State, and local governmental agencies and tribal governments that may have an interest in the proposed action, and to members of the general public.

''(5) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.

''(6) The planning product is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

''(7) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

''(8) The planning product is appropriate for adoption and use in the environmental review process for the project.

''(f) EFFECT OF ADOPTION.—Notwithstanding any other provision of law, any planning product adopted by the Federal lead agency in accordance with this section shall not be reconsidered or made the subject of additional interagency consultation during the environmental review process of the project unless the Federal lead agency, in consultation with joint lead agencies and project sponsors as appropriate, determines that there is significant new information or new circumstances that affect the continued validity or appropriateness of the adopted planning product. Any planning product adopted by the Federal lead agency in accordance with this section may be relied upon and used by other Federal agencies in carrying out reviews of the project.

''(g) RULE OF CONSTRUCTION.—This section may not be construed to make the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) process applicable to the transportation planning process conducted under chapter 52 of title 49. Initiation of the National Environmental Policy Act of 1969 process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the National Environmental Policy Act of 1969 process. This section may not be construed to affect the use of planning products in the National Environmental Policy Act of 1969 process pursuant to other authorities under law or to restrict the initiation of the National Environmental Policy Act of 1969 process during planning.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at end the following:

''167. Integration of planning and environmental review.''.

SEC. 412. DEVELOPMENT OF PROGRAMMATIC MITIGATION PLANS.

(a) IN GENERAL.—Chapter 1 (as amended by this title) is further amended by adding at the end the following:

''§ 168. Development of programmatic mitigation plans

''(a) IN GENERAL.—As part of the statewide or metropolitan transportation planning process, a State or metropolitan planning organization may develop one or more programmatic mitigation plans to address the potential environmental impacts of future transportation projects.

''(b) SCOPE.—

''(1) SCALE.—A programmatic mitigation plan may be developed on a regional, ecosystem, watershed, or statewide scale.

''(2) RESOURCES.—The plan may encompass multiple environmental resources within a defined geographic area or may focus on a specific resource, such as aquatic resources, parklands, or wildlife habitat.

''(3) PROJECT IMPACTS.—The plan may address impacts from all projects in a defined geographic area or may focus on a specific type of project, such as bridge replacements.

''(4) CONSULTATION.—The scope of the plan shall be determined by the State or metropolitan planning organization, as appropriate, in consultation with the agency or agencies with jurisdiction over the resources being addressed in the mitigation plan.

''(c) CONTENTS.—A programmatic mitigation plan may include—

''(1) an assessment of the condition of environmental resources in the geographic area covered by the plan, including an assessment of recent trends and any potential threats to those resources;

''(2) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographic area covered by the plan, through strategic mitigation for impacts of transportation projects;

''(3) standard measures for mitigating certain types of impacts;

''(4) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;

''(5) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring; and

''(6) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources.

''(d) PROCESS.—Before adopting a programmatic mitigation plan, a State or metropolitan planning organization shall—

''(1) consult with the agency or agencies with jurisdiction over the environmental resources considered in the programmatic mitigation plan;

''(2) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public;

''(3) consider any comments received from such agencies and the public on the draft plan; and

''(4) address such comments in the final plan.

''(e) INTEGRATION WITH OTHER PLANS.—A programmatic mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.

''(f) CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.—If a programmatic mitigation plan has been developed pursuant to this section, any Federal agency responsible for environmental reviews, permits, or approvals for a transportation project shall give substantial weight to the recommendations in a programmatic mitigation plan when carrying out their responsibilities under applicable laws.

''(g) PRESERVATION OF EXISTING AUTHORITIES.—Nothing in this section limits the use of programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this title) is further amended by adding at the end the following:

''168. Development of programmatic mitigation plans.''.

SEC. 413. STATE ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

Section 326(a) is amended—

(1) in paragraph (2) by striking ''and only for types of activities specifically designated by the Secretary'' and inserting ''and for any type of activity for which a categorical exclusion classification is appropriate''; and

(2) by adding at the end the following:

''(4) PRESERVATION OF FLEXIBILITY.—The Secretary shall not require a State, as a condition of assuming responsibility under this section, to forego project delivery methods that are otherwise permissible for highway projects.''.

SEC. 414. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

(a) PROGRAM NAME.—Section 327 is amended—

(1) in the section heading by striking ''**pilot**''; and

(2) in subsection (a)(1) by striking ''pilot''.

(b) ASSUMPTION OF RESPONSIBILITY.—Section 327(a)(2) is amended—

(1) in subparagraph (A) by striking ''highway'';

(2) in subparagraph (B) by striking clause (ii) and inserting the following:

''(ii) the Secretary may not assign any responsibility imposed on the Secretary by section 134 or 135 or section 5303 or 5304 of title 49.''; and

(3) by adding at the end the following:

''(F) PRESERVATION OF FLEXIBILITY.—The Secretary may not require a State, as a condition of participation in the program, to forego project delivery methods that are otherwise permissible for projects.''.

(c) STATE PARTICIPATION.—Section 327(b) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) PARTICIPATING STATES.—All States are eligible to participate in the program.''; and

(2) in paragraph (2) by striking ''this section, the Secretary shall promulgate'' and inserting ''amendments to this section by the Surface Transportation Extension Act of 2012, Part II, the Secretary shall amend, as appropriate,''.

(d) WRITTEN AGREEMENT.—Section 327(c) is amended—

(1) in paragraph (3)(D) by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following:

''(4) have a term of not more than 5 years; and

''(5) be renewable.''.

(e) CONFORMING AMENDMENT.—Section 327(e) is amended by striking ''subsection (i)'' and inserting ''subsection (j)''.

(f) AUDITS.—Section 327(g)(1)(B) is amended by striking ''subsequent year'' and inserting ''of the third and fourth years''.

(g) MONITORING.—Section 327 is further amended—

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

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

''(h) MONITORING.—After the fourth year of the participation of a State in the program, the Secretary shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.''.

(h) TERMINATION.—Section 327(j) (as redesignated by subsection (g)(1) of this section) is amended to read as follows:

''(j) TERMINATION.—The Secretary may terminate the participation of any State in the program if—

''(1) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

''(2) the Secretary provides to the State—

''(A) notification of the determination of noncompliance; and

''(B) a period of at least 30 days during which to take such corrective action as the Secretary determines is necessary to comply with the applicable agreement; and

''(3) the State, after the notification and period provided under paragraph (2), fails to take satisfactory corrective action, as determined by the Secretary.''.

(i) DEFINITIONS.—Section 327 is amended by adding at the end the following:

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

''(1) MULTIMODAL PROJECT.—The term 'multimodal project' means a project funded, in whole or in part, under this title or chapter 53 of title 49 and involving the participation of more than one Department of Transportation administration or agency.

''(2) PROJECT.—The term 'project' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.''.

(j) CLERICAL AMENDMENT.—The analysis for chapter 3 is amended by striking the item relating to section 327 and inserting the following:

''327. Surface transportation project delivery program.''.

SEC. 415. PROGRAM FOR ELIMINATING DUPLICATION OF ENVIRONMENTAL REVIEWS.

(a) IN GENERAL.—Chapter 3 is amended by adding at the end the following:

''§ 330. Program for eliminating duplication of environmental reviews

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a program to eliminate duplicative environmental reviews and approvals under State and Federal law of projects. Under this program, a State may use State laws and procedures to conduct reviews and make approvals in lieu of Federal environmental laws and regulations, consistent with the provisions of this section.

''(2) PARTICIPATING STATES.—All States are eligible to participate in the program.

''(3) SCOPE OF ALTERNATIVE REVIEW AND APPROVAL PROCEDURES.—For purposes of this section, alternative environmental review and approval procedures may include one or more of the following:

''(A) Substitution of one or more State environmental laws for one or more Federal environmental laws, if the Secretary determines in accordance with this section that the State environmental laws provide environmental protection and opportunities for public involvement that are substantially equivalent to the applicable Federal environmental laws.

''(B) Substitution of one or more State regulations for Federal regulations implementing one or more Federal environmental laws, if the Secretary determines in accordance with this section that the State regulations provide environmental protection and opportunities for public involvement that are substantially equivalent to the Federal regulations.

''(b) APPLICATION.—To participate in the program, a State shall submit to the Secretary an application containing such information as the Secretary may require, including—

''(1) a full and complete description of the proposed alternative environmental review and approval procedures of the State;

''(2) for each State law or regulation included in the proposed alternative environmental review and approval procedures of the State, an explanation of the basis for concluding that the law or regulation meets the requirements under subsection (a)(3); and

''(3) evidence of having sought, received, and addressed comments on the proposed application from the public and appropriate Federal environmental resource agencies.

''(c) REVIEW OF APPLICATION.—The Secretary shall—

''(1) review an application submitted under subsection (b);

''(2) approve or disapprove the application in accordance with subsection (d) not later than 90 days after the date of the receipt of the application; and

''(3) transmit to the State notice of the approval or disapproval, together with a statement of the reasons for the approval or disapproval.

''(d) APPROVAL OF STATE PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall approve each such application if the Secretary finds that the proposed alternative environmental review and approval procedures of the State are substantially equivalent to the applicable Federal environmental laws and Federal regulations.

''(2) EXCLUSION.—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.) shall not apply to any decision by the Secretary to approve or disapprove any application submitted pursuant to this section.

''(e) COMPLIANCE WITH PERMITS.—Compliance with a permit or other approval of a project issued pursuant to a program approved by the Secretary under this section shall be deemed compliance with the Federal

laws and regulations identified in the program approved by the Secretary pursuant to this section.

''(f) REVIEW AND TERMINATION.—

''(1) REVIEW.—All State alternative environmental review and approval procedures approved under this section shall be reviewed by the Secretary not less than once every 5 years.

''(2) PUBLIC NOTICE AND COMMENT.—In conducting the review process under paragraph (1), the Secretary shall provide notice and an opportunity for public comment.

''(3) EXTENSIONS AND TERMINATIONS.—At the conclusion of the review process, the Secretary may extend the State alternative environmental review and approval procedures for an additional 5-year period or terminate the State program.

''(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report that describes the administration of the program.

''(h) DEFINITIONS.—For purposes of this section:

''(1) ENVIRONMENTAL LAW.—The term 'environmental law' includes any law that provides procedural or substantive protection, as applicable, for the natural or built environment with regard to the construction and operation of projects.

''(2) FEDERAL ENVIRONMENTAL LAWS.—The term 'Federal environmental laws' means laws governing the review of environmental impacts of, and issuance of permits and other approvals for, the construction and operation of projects, including section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and sections 7(a)(2), 9(a)(1)(B), and 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2), 1538(a)(1)(B), 1539(a)(1)(B)).

''(3) MULTIMODAL PROJECT.—The term 'multimodal project' means a project funded, in whole or in part, under this title or chapter 53 of title 49 and involving the participation of more than one Department of Transportation administration or agency.

''(4) PROJECT.—The term 'project' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by title I of this Act) is further amended by adding at the end the following:

''330. Program for eliminating duplication of environmental reviews.''.

SEC. 416. STATE PERFORMANCE OF LEGAL SUFFICIENCY REVIEWS.

(a) IN GENERAL.—Chapter 3 (as amended by this title) is further amended by adding at the end the following:

''§ 331. State performance of legal sufficiency reviews

''(a) IN GENERAL.—At the request of any State transportation department, the Federal Highway Administration shall enter into an agreement with the State transportation department to authorize the State to carry out the legal sufficiency reviews for environmental impact statements and environmental assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in accordance with this section.

''(b) TERMS OF AGREEMENT.—An agreement authorizing a State to carry out legal sufficiency reviews for Federal-aid highway projects shall contain the following provisions:

''(1) A finding by the Federal Highway Administration that the State has the capacity to carry out legal sufficiency reviews that are equivalent in quality and consistency to the reviews that would otherwise be conducted by attorneys employed by such Administration.

''(2) An oversight process, including periodic reviews conducted by attorneys employed by such Administration, to evaluate the quality of the legal sufficiency reviews carried out by the State transportation department under the agreement.

''(3) A requirement for the State transportation department to submit a written finding of legal sufficiency to the Federal Highway Administration concurrently with the request by the State for Federal approval of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) document.

''(4) An opportunity for the Federal Highway Administration to conduct an additional legal sufficiency review for any project, for not more than 30 days, if considered necessary by the Federal Highway Administration.

''(5) Procedures allowing either party to the agreement to terminate the agreement for any reason with 30 days notice to the other party.

''(c) EFFECT OF AGREEMENT.—A legal sufficiency review carried out by a State transportation department under this section shall be deemed by the Federal Highway Administration to satisfy the requirement for a legal sufficiency review in sections 771.125(b) and 774.7(d) of title 23, Code of Federal Regulations, or other applicable regulations issued by the Federal Highway Administration.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this title) is further amended by adding at the end the following:

''331. State performance of legal sufficiency reviews.''.

SEC. 417. CATEGORICAL EXCLUSIONS.

(a) IN GENERAL.—The Secretary shall treat an activity carried out under title 23, United States Code, or project within a right-of-way as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 771.117(c) of title 23, Code of Federal Regulations.

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

(1) MULTIMODAL PROJECT.—The term ''multimodal project'' means a project funded, in whole or in part, under title 23, United States Code, or chapter 53 of title 49 of such Code and involving the participation of more than one Department of Transportation administration or agency.

(2) PROJECT.—The term ''project'' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

SEC. 418. ENVIRONMENTAL REVIEW PROCESS DEADLINE.

(a) IN GENERAL.—

(1) DEADLINE.—Notwithstanding any other provision of law, the environmental review process for a project shall be completed not later than 270 days after the date on which the notice of project initiation under section 139(e) of title 23, United States Code, is published in the Federal Register.

(2) CONSEQUENCES OF MISSED DEADLINE.—If the environmental review process for a project is not completed in accordance with paragraph (1)—

(A) the project shall be considered to have no significant impact to the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) that classification shall be considered to be a final agency action.

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

(1) ENVIRONMENTAL REVIEW PROCESS.—

(A) IN GENERAL.—The term ''environmental review process'' means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) INCLUSIONS.—The term ''environmental review process'' includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) LEAD AGENCY.—The term ''lead agency'' means the Department of Transportation and, if applicable, any State or local governmental entity serving as a joint lead agency pursuant to this section.

(3) MULTIMODAL PROJECT.—The term ''multimodal project'' means a project funded, in whole or in part, under title 23, United States Code, or chapter 53 of title 49 of such Code and involving the participation of more than one Department of Transportation administration or agency.

(4) PROJECT.—The term ''project'' means any highway project, public transportation capital project, or multimodal project that requires the approval of the Secretary.

SEC. 419. RELOCATION ASSISTANCE.

(a) ALTERNATIVE RELOCATION PAYMENT PROCESS.—

(1) ESTABLISHMENT.—For the purpose of identifying improvements in the timeliness of providing relocation assistance to persons displaced as a result of Federal or federally-assisted programs and projects, the Secretary shall establish an alternative relocation payment process under which payments to displaced persons eligible for relocation assistance pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), are calculated based on reasonable estimates and paid in advance of the physical displacement of the displaced person.

(2) PAYMENTS.—

(A) TIMING OF PAYMENTS.—Relocation assistance payments may be provided to the displaced person at the same time as payments of just compensation for real property acquired for a program or project of the State.

(B) COMBINED PAYMENT.—Payments for relocation and just compensation may be combined into a single unallocated amount.

(3) CONDITIONS FOR STATE USE OF ALTERNATIVE PROCESS.—

(A) IN GENERAL.—After public notice and an opportunity to comment, the Secretary shall adopt criteria for States to use the alternative relocation payment process established by the Secretary.

(B) MEMORANDUM OF AGREEMENT.—In order to use the alternative relocation payment process, a State shall enter into a memorandum of agreement with the Secretary that includes provisions relating to—

(i) the selection of projects or programs within the State to which the alternative relocation payment process will be applied;

(ii) program and project-level monitoring;

(iii) performance measurement;

(iv) reporting requirements; and

(v) the circumstances under which the Secretary may terminate or suspend the authority of the State to use the alternative relocation payment process.

(C) REQUIRED INFORMATION.—A State may use the alternative relocation payment process only after the displaced persons affected by a program or project—

(i) are informed in writing—

(I) that the relocation payments the displaced persons receive under the alternative relocation payment process may be higher or lower than the amount that the displaced persons would have received under the standard relocation assistance process; and

(II) of their right not to participate in the alternative relocation payment process; and

(ii) agree in writing to the alternative relocation payment process.

(D) ELECTION NOT TO PARTICIPATE.—The displacing agency shall provide any displaced person who elects not to participate in the alternative relocation payment process with relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(4) PROTECTIONS AGAINST INCONSISTENT TREATMENT.—If other Federal agencies plan displacements in or adjacent to an area of a project using the alternative relocation payment process within the same time period as a project acquisition and relocation action of the project, the Secretary shall adopt measures to protect against inconsistent treatment of displaced persons. Such measures may include a determination that the alternative relocation payment process authority may not be used on a specific project.

(5) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to Congress an annual report on the implementation of the alternative relocation payment process.

(B) CONTENTS.—The report shall include an evaluation of the merits of the alternative relocation payment process, including the effects of the alternative relocation payment process on—

(i) displaced persons and the protections afforded to such persons by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.);

(ii) the efficiency of the delivery of Federal-aid highway projects and overall effects on the Federal-aid highway program; and

(iii) the achievement of the purposes of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(6) LIMITATION.—The alternative relocation payment process under this section may be used only on projects funded under title 23, United States Code, in cases in which the funds are administered by the Federal Highway Administration.

(7) NEPA APPLICABILITY.—Notwithstanding any other provision of law, the use of the alternative relocation payment process established under this section on a project funded under title 23, United States Code, and administered by the Federal Highway Administration is not a major Federal action requiring analysis or approval under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) UNIFORM RELOCATION ASSISTANCE ACT AMENDMENTS.—

(1) MOVING AND RELATED EXPENSES.—Section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622) is amended—

(A) in subsection (a)(4) by striking ''$10,000'' and inserting ''$25,000, as adjusted by regulation, in accordance with section 213(d)''; and

(B) in the second sentence of subsection (c) by striking ''$20,000'' and inserting ''$40,000, as adjusted by regulation, in accordance with section 213(d)''.

(2) REPLACEMENT HOUSING FOR HOMEOWNERS.—The first sentence of section 203(a)(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)(1)) is amended by—

(A) striking ''$22,500'' and inserting ''$31,000, as adjusted by regulation, in accordance with section 213(d),''; and

(B) striking ''one hundred and eighty days prior to'' and inserting ''90 days before''.

(3) REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS.—Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended—

(A) in the second sentence of subsection (a) by striking ''$5,250'' and inserting ''$7,200, as adjusted by regulation, in accordance with section 213(d)''; and

(B) in the second sentence of subsection (b) by striking '', except'' and all that follows through the end of the subsection and inserting a period.

(4) DUTIES OF LEAD AGENCY.—Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) is amended—

(A) in subsection (b)—

(i) in paragraph (2) by striking ''and'';

(ii) in paragraph (3) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) that each Federal agency that has programs or projects requiring the acquisition of real property or causing a displacement from real property subject to the provisions of this Act shall provide to the lead agency an annual summary report that describes the activities conducted by the Federal agency.''; and

(B) by adding at the end the following:

''(d) ADJUSTMENT OF PAYMENTS.—The head of the lead agency may adjust, by regulation, the amounts of relocation payments provided under sections 202(a)(4), 202(c), 203(a), and 204(a) if the head of the lead agency determines that cost of living, inflation, or other factors indicate that the payments should be adjusted to meet the policy objectives of this Act.''.

(5) AGENCY COORDINATION.—Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) is amended by inserting after section 213 (42 U.S.C. 4633) the following:

''SEC. 214. AGENCY COORDINATION.

''(a) AGENCY CAPACITY.—Each Federal agency responsible for funding or carrying out relocation and acquisition activities shall have adequately trained personnel and such other resources as are necessary to manage and oversee the relocation and acquisition program of the Federal agency in accordance with this Act.

''(b) INTERAGENCY AGREEMENTS.—Not later than 1 year after the date of the enactment of this section, each Federal agency responsible for funding relocation and acquisition activities (other than the agency serving as the lead agency) shall enter into a memorandum of understanding with the lead agency that—

''(1) provides for periodic training of the personnel of the Federal agency, which in the case of a Federal agency that provides Federal financial assistance, may include personnel of any displacing agency that receives Federal financial assistance;

''(2) addresses ways in which the lead agency may provide assistance and coordination to the Federal agency relating to compliance with this Act on a program or project basis; and

''(3) addresses the funding of the training, assistance, and coordination activities provided by the lead agency, in accordance with subsection (c).

''(c) INTERAGENCY PAYMENTS.—

''(1) IN GENERAL.—For the fiscal year that begins 1 year after the date of the enactment of this section, and each fiscal year thereafter, each Federal agency responsible for funding relocation and acquisition activities (other than the agency serving as the lead agency) shall transfer to the lead agency for the fiscal year, such funds as are necessary, but not less than $35,000, to support the training, assistance, and coordination activities of the lead agency described in subsection (b).

''(2) INCLUDED COSTS.—The cost to a Federal agency of providing the funds described in paragraph (1) shall be included as part of the cost of 1 or more programs or projects undertaken by the Federal agency or with Federal financial assistance that result in the displacement of persons or the acquisition of real property.''.

(c) COOPERATION WITH FEDERAL AGENCIES.—Section 308(a) is amended to read as follows:

''(a) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—The Secretary may perform, by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Federal agencies, cooperating foreign countries, and State cooperating agencies.

''(2) INCLUSIONS.—Services authorized under paragraph (1) may include activities authorized under section 214 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''(3) REIMBURSEMENT.—Reimbursement for services carried out under this subsection, including depreciation on engineering and road-building equipment, shall be credited to the applicable appropriation.''.

The CHAIR. Pursuant to House Resolution 619, the gentleman from Wisconsin (Mr. RIBBLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RIBBLE. Mr. Chairman, the folders that I am holding here represent our dysfunctional Federal bureaucracy. They provide a stark example of the burdensome red tape that a Wisconsin business must go through just to get approval of a single project.

Mr. Chairman, in this folder is when the county controls a project. This folder is when the State controls the project. Mr. Chairman, this folder is when the Federal Government controls the project.

Well, these examples aren't specifically for a highway project. They are emblematic of the bureaucracy our Federal Government imposes in northeastern Wisconsin and across the Nation. My amendment today will smooth the road for our infrastructure projects by reducing the redundant permitting requirements that prevent us from rebuilding our roads and bridges across this country.

My amendment includes many of the practical reforms that I and my colleagues on the Transportation Committee have championed under Chairman MICA's leadership. Today, the average life span of a construction project is 15 years, but only 5 of those years involve actual on-the-ground construction.

Let me say that again. At least 10 years of a project are not spent building anything, but instead are spent filling thousands of folders just like these with millions of pages of paperwork.

My amendment expedites this process. In some cases we can cut this timeline in half merely by allowing the Federal and State agencies to work together. How about that for an idea, to work together on the review and permitting process.

My amendment sets hard deadlines for Federal agencies to approve infrastructure projects, no longer leaving them in limbo. There has been a lot of talk about shovel-ready projects in recent years. Well, my amendment will help States, municipalities, and contractors to put their pencils down and, Mr. Chairman, pick the shovels up. It's exactly what we need in a time when our economy is struggling.

The Federal Government needs to stop putting up roadblocks to job creation and figure out ways to make things easier and less costly. My amendment would do just that.

It also exempts certain unplanned emergencies from some of the review processes. When a State or city is hit by damaging storms or unexpected flooding, our top priority should be to get our roads and bridges repaired, not subjecting our communities to an endless permitting process that may further harm their quality of life.

Mr. Chairman, the bill before us today is not perfect, but then again no bill ever is. However, my amendment will put us on the road to reforming how we build and maintain our infrastructure throughout this country, and I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

I am going to ask the gentleman from Wisconsin a question about his amendment.

You might remember in committee that I managed to convince the majority to strip a provision in the underlying bill that would have waived all laws at the discretion of the President of the United States to do projects of national competitiveness.

Mr. RIBBLE. Will the gentleman yield?

Our amendment takes that——

Mr. DEFAZIO. I know. You don't have that and I appreciate that; but in your amendment, from the original bill, you took this language:

> The Secretary shall treat an activity carried out under title 23, United States Code, or project within a right-of-way as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements.

That means all Federal highway projects would be exempt from any environmental review. Don't you think that's a little over the top? That's a little more than streamlining it, and that's not just within existing rights-of-way. That is, acquire a new right-of-way, build an eight-lane road and no environmental review? Don't you think, I mean, that might be a little bit over the edge?

□ 1530

Mr. RIBBLE. If the gentleman will yield, it's just in the right-of-way, though.

Mr. DEFAZIO. No, it says ''or.'' ''Or a project within a right-of-way.'' You have at least a drafting problem here, if not an intentional problem.

This exempts any project under title 23, which means a brand new highway 8, 12, 15 lanes wide, newly acquired right-of-way, with no environmental review.

Mr. RIBBLE. Will the gentleman yield?

Mr. DEFAZIO. I will yield to the gentleman.

Mr. RIBBLE. I can say this to you, that I have full confidence in your State's environmental protection. I have full confidence in the leaders in the State of Wisconsin.

Mr. DEFAZIO. Reclaiming my time, I don't have confidence in a lot of people in a lot of States and I do think the American people deserve at least some protection. Now, I can understand the impatience with some of the bureaucracy—I share it—particularly when it comes to transit projects and other things and giving States authority, like we've done to California.

The CHAIR. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman an additional 30 seconds.

Mr. DEFAZIO. But for the gentleman to say that we'll just let the States decide whether or not there will be any environmental review of a major new highway project is extraordinary to me—using Federal money. If they want to use the State money and they want to say there are no laws that apply and we're just going to build this Chinese method of here comes the bulldozer, get out of the way, get out of your house, here it comes, fine. States are like that. They do it with their own money, and people of that State can deal with it. But for the Federal Government to say, We wash our hands of this and you can do anything you want with Federal taxpayer dollars, constructing major new highways with no review, I think that's a little over the top.

Mr. RIBBLE. I yield 1½ minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman for yielding and commend him on his amendment.

I think it's a great amendment. As a freshman, you have done tremendous work on the committee. And you've been in Washington only a year-and-a-half, and yet you brought a shovel here. That shovel shovels more than just dirt. It shovels other stuff that happens here in Washington. And it's time we clear some of that out to be able to streamline building roads and highways in this country.

And that's what your amendment does. It cuts bureaucratic red tape, allows the Federal agencies to review transportation projects concurrently, which is extremely important. It delegates project approval authority to the States, establishes hard deadlines to Federal agencies to make decisions on permits, which is going to definitely speed up the process. It expands the list of activities that qualify for categorical exclusions, an approval process that's faster and simpler than the standard process. The environmental protections do remain in place.

I disagree with the gentleman from Oregon. I have all the confidence in the world that what the gentleman has in his amendment here will allow just what's in the right-of-way. That's what we interpreted, and I believe that's how the States will interpret it. So I have all the confidence that this amendment is properly prepared and we're going to pass it here on the floor today.

So, again, these are practical reforms. Time is money, and anybody that's been in business knows time is money. And that's what these reforms are going to do: reduce the time, which will reduce the cost to get us highways and bridges built faster in this country.

I commend the gentleman from Wisconsin (Mr. RIBBLE) on his excellent work and his work on this committee and also the chairman for his tireless efforts in bringing the extension to the floor. And as we move into conference, I'm confident we're going to come up with something that's better than we see from the other side.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment. While I strongly support the efficient review of projects to ensure timely project delivery, I believe it is possible to balance these needs with adequate opportunity for public input. Unfortunately, the provisions in the Ribble amendment are far beyond balanced and would severely limit public input into surface transportation decisions.

In effect, the amendment places a roadblock on public participation in reviewing transportation projects by limiting and, in certain cases, outright waiving NEPA. That goes far beyond streamlining. Locking the public out of the decisionmaking process is steamrolling our constituents and local governments.

The most galling aspect of this amendment is that it would completely exempt any and all highway projects where the Federal share of the costs is less than $10 million or 15 percent of project costs from the requirements to provide public participation and an analysis of alternatives in the project decisionmaking process.

Proponents of the amendment argue that NEPA and other laws are causing years of project delays. That's simply

not true. According to the U.S. Department of Transportation, the vast majority of projects delivered both by the Federal Highway Administration and the FTA—96 percent, to be exact—already go through minimal NEPA review, meaning that all NEPA compliance is completed within 2¼ months to 6 months. Ironically, this amendment could increase those delays by excluding the public from participation in the project review process and increasing the likelihood of public opposition to a project, leading to greater delays in project delivery.

Now, many of us know the public, if they're locked out of a decisionmaking project or review process where they feel they have a legitimate right to participate, where are they going to go? They're going to go to the courts and sue. Does the gentleman think that the judicial process, when you have to face lawsuit after lawsuit after lawsuit, is going to be streamlining the process? I think not. We're looking at a longer process there than any environmental review would ever entail.

Again, while I strongly support efficient review and sufficient review of projects to ensure timely project delivery, this amendment goes too far. It undermines public participation in local decisions and could potentially create greater problems of project delivery. And I would urge the defeat of the gentleman's amendment.

I yield back the balance of my time.

Mr. RIBBLE. I do want to thank the ranking member. We do have a disagreement, and disagreements happen in this Chamber a lot. But anyone who's traveled our roads and highways and tried to cross bridges that have been falling apart, that are filled with potholes, that have needed repairs for, sometimes, decades recognizes the real cost and real cause of the delay.

Mr. Chairman, I would note that my amendment in no way eliminates NEPA or the need for an environmental review to occur. However, our current process reduces redundant submissions, and approvals can render a road project obsolete before the ground has ever been broken.

My amendment merely ensures that Federal and State governments get to actually work together in doing the review. They get to work together to do this. And unlike others, I have full confidence in the people that live in the States where this work is going to be done. They're the neighbors of these road projects. They're the ones that swim in the lakes and streams and drink the water, breathe the air. They're the ones that live there. They ought to have more say on how these projects are completed, and we can actually get more projects done because of this.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RIBBLE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MCKINLEY

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–446.

Mr. MCKINLEY. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following (and conform the table of contents of the bill accordingly):

TITLE IV—COAL COMBUSTION RESIDUALS

SEC. 401. HIGHWAY AND INFRASTRUCTURE SAFETY THROUGH THE PROTECTION OF COAL COMBUSTION RESIDUAL RECYCLING.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS.

''(a) STATE PERMIT PROGRAMS FOR COAL COMBUSTION RESIDUALS.—Each State may adopt and implement a coal combustion residuals permit program.

''(b) STATE ACTIONS.—

''(1) NOTIFICATION.—Not later than 6 months after the date of enactment of this section (except as provided by the deadline identified under subsection (d)(2)(B)), the Governor of each State shall notify the Administrator, in writing, whether such State will adopt and implement a coal combustion residuals permit program.

''(2) CERTIFICATION.—

''(A) IN GENERAL.—Not later than 36 months after the date of enactment of this section (except as provided in subsections (f)(1)(A) and (f)(1)(C)), in the case of a State that has notified the Administrator that it will implement a coal combustion residuals permit program, the head of the lead State agency responsible for implementing the coal combustion residuals permit program shall submit to the Administrator a certification that such coal combustion residuals permit program meets the specifications described in subsection (c)(1).

''(B) CONTENTS.—A certification submitted under this paragraph shall include—

''(i) a letter identifying the lead State agency responsible for implementing the coal combustion residuals permit program, signed by the head of such agency;

''(ii) identification of any other State agencies involved with the implementation of the coal combustion residuals permit program;

''(iii) a narrative description that provides an explanation of how the State will ensure that the coal combustion residuals permit program meets the requirements of this section, including a description of the State's—

''(I) process to inspect or otherwise determine compliance with such permit program;

''(II) process to enforce the requirements of such permit program; and

''(III) public participation process for the promulgation, amendment, or repeal of regulations for, and the issuance of permits under, such permit program;

''(iv) a legal certification that the State has, at the time of certification, fully effective statutes or regulations necessary to implement a coal combustion residuals permit program that meets the specifications described in subsection (c)(1); and

''(v) copies of State statutes and regulations described in clause (iv).

''(3) MAINTENANCE OF 4005(C) OR 3006 PROGRAM.—In order to adopt or implement a coal combustion residuals permit program under this section (including pursuant to subsection (f)), the State agency responsible for implementing a coal combustion residuals permit program in a State shall maintain an approved program under section 4005(c) or an authorized program under section 3006.

''(c) PERMIT PROGRAM SPECIFICATIONS.—

''(1) MINIMUM REQUIREMENTS.—The specifications described in this subsection for a coal combustion residuals permit program are as follows:

''(A) The revised criteria described in paragraph (2) shall apply to a coal combustion residuals permit program, except as provided in paragraph (3).

''(B) Each structure shall be, in accordance with generally accepted engineering standards for the structural integrity of such structures, designed, constructed, and maintained to provide for containment of the maximum volumes of coal combustion residuals appropriate for the structure. If a structure is determined by the head of the agency responsible for implementing the coal combustion residuals permit program to be deficient, the head of such agency has authority to require action to correct the deficiency according to a schedule determined by such agency. If the identified deficiency is not corrected according to such schedule, the head of such agency has authority to require that the structure close in accordance with subsection (h).

''(C) The coal combustion residuals permit program shall apply the revised criteria promulgated pursuant to section 4010(c) for location, design, groundwater monitoring, corrective action, financial assurance, closure, and post-closure described in paragraph (2) and the specifications described in this paragraph to surface impoundments.

''(D) If a structure that is classified as posing a high hazard potential pursuant to the guidelines published by the Federal Emergency Management Agency entitled 'Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams' (FEMA Publication Number 333) is determined by the head of the agency responsible for implementing the coal combustion residuals permit program to be deficient with respect to the structural integrity requirement in subparagraph (B), the head of such agency has authority to require action to correct the deficiency according to a schedule determined by such agency. If the identified deficiency is not corrected according to such schedule, the head of such agency has authority to require that the structure close in accordance with subsection (h).

''(E) New structures that first receive coal combustion residuals after the date of enactment of this section shall be constructed with a base located a minimum of two feet above the upper limit of the natural water table.

''(F) In the case of a coal combustion residuals permit program implemented by a State, the State has the authority to inspect structures and implement and enforce such permit program.

''(G) In the case of a coal combustion residuals permit program implemented by a State, the State has the authority to address wind dispersal of dust from coal combustion residuals by requiring dust control measures, as determined appropriate by the head of the lead State agency responsible for implementing the coal combustion residuals permit program.

''(2) REVISED CRITERIA.—The revised criteria described in this paragraph are—

''(A) the revised criteria for design, groundwater monitoring, corrective action, closure, and post-closure, for structures, including—

''(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding design requirements described in section 258.40 of title 40, Code of Federal Regulations; and

''(ii) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria regarding groundwater monitoring and corrective action requirements described in subpart E of part 258 of title 40, Code of Federal Regulations, except that, for the purposes of this paragraph, such revised criteria shall also include—

''(I) for the purposes of detection monitoring, the constituents boron, chloride, conductivity, fluoride, mercury, pH, sulfate, sulfide, and total dissolved solids; and

''(II) for the purposes of assessment monitoring, the constituents aluminum, boron, chloride, fluoride, iron, manganese, molybdenum, pH, sulfate, and total dissolved solids;

''(B) the revised criteria for location restrictions described in—

''(i) for new structures, and lateral expansions of existing structures, that first receive coal combustion residuals after the date of enactment of this section, sections 258.11 through 258.15 of title 40, Code of Federal Regulations; and

''(ii) for existing structures that receive coal combustion residuals after the date of enactment of this section, sections 258.11 and 258.15 of title 40, Code of Federal Regulations;

''(C) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for air quality described in section 258.24 of title 40, Code of Federal Regulations;

''(D) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for financial assurance described in subpart G of part 258 of title 40, Code of Federal Regulations;

''(E) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for surface water described in section 258.27 of title 40, Code of Federal Regulations;

''(F) for all structures that receive coal combustion residuals after the date of enactment of this section, the revised criteria for recordkeeping described in section 258.29 of title 40, Code of Federal Regulations;

''(G) for landfills and other land-based units, other than surface impoundments, that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-on and run-off control systems described in section 258.26 of title 40, Code of Federal Regulations; and

''(H) for surface impoundments that receive coal combustion residuals after the date of enactment of this section, the revised criteria for run-off control systems described in section 258.26(a)(2) of title 40, Code of Federal Regulations.

''(3) APPLICABILITY OF CERTAIN REQUIREMENTS.—A State may determine that one or more of the requirements of the revised criteria described in paragraph (2) is not needed for the management of coal combustion residuals in that State, and may decline to apply such requirement as part of its coal combustion residuals permit program. If a State declines to apply a requirement under this paragraph, the State shall include in the certification under subsection (b)(2) a description of such requirement and the reasons such requirement is not needed in the State. If the Administrator determines that a State determination under this paragraph does not accurately reflect the needs for the management of coal combustion residuals in the State, the Administrator may treat such State determination as a deficiency under subsection (d).

''(d) WRITTEN NOTICE AND OPPORTUNITY TO REMEDY.—

''(1) IN GENERAL.—The Administrator shall provide to a State written notice and an opportunity to remedy deficiencies in accordance with paragraph (2) if at any time the State—

''(A) does not satisfy the notification requirement under subsection (b)(1);

''(B) has not submitted a certification under subsection (b)(2);

''(C) does not satisfy the maintenance requirement under subsection (b)(3); or

''(D) is not implementing a coal combustion residuals permit program that meets the specifications described in subsection (c)(1).

''(2) CONTENTS OF NOTICE; DEADLINE FOR RESPONSE.—A notice provided under this subsection shall—

''(A) include findings of the Administrator detailing any applicable deficiencies in—

''(i) compliance by the State with the notification requirement under subsection (b)(1);

''(ii) compliance by the State with the certification requirement under subsection (b)(2);

''(iii) compliance by the State with the maintenance requirement under subsection (b)(3); and

''(iv) the State coal combustion residuals permit program in meeting the specifications described in subsection (c)(1); and

''(B) identify, in collaboration with the State, a reasonable deadline, which shall be not sooner than 6 months after the State receives the notice, by which the State shall remedy the deficiencies detailed under subparagraph (A).

''(e) IMPLEMENTATION BY ADMINISTRATOR.—

''(1) IN GENERAL.—The Administrator shall implement a coal combustion residuals permit program for a State only in the following circumstances:

''(A) If the Governor of such State notifies the Administrator under subsection (b)(1) that such State will not adopt and implement such a permit program.

''(B) If such State has received a notice under subsection (d) and, after any review brought by the State under section 7006, fails, by the deadline identified in such notice under subsection (d)(2)(B), to remedy the deficiencies detailed in such notice under subsection (d)(2)(A).

''(C) If such State informs the Administrator, in writing, that such State will no longer implement such a permit program.

''(2) REQUIREMENTS.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1), such permit program shall consist of the specifications described in subsection (c)(1).

''(3) ENFORCEMENT.—If the Administrator implements a coal combustion residuals permit program for a State under paragraph (1), the authorities referred to in section 4005(c)(2)(A) shall apply with respect to coal combustion residuals and structures and the Administrator may use such authorities to inspect, gather information, and enforce the requirements of this section in the State.

''(f) STATE CONTROL AFTER IMPLEMENTATION BY ADMINISTRATOR.—

''(1) STATE CONTROL.—

''(A) NEW ADOPTION AND IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(A), the State may adopt and implement such a permit program by—

''(i) notifying the Administrator that the State will adopt and implement such a permit program;

''(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

''(iii) receiving from the Administrator—

''(I) a determination that the State coal combustion residuals permit program meets the specifications described in subsection (c)(1); and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(B) REMEDYING DEFICIENT PERMIT PROGRAM.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(B), the State may adopt and implement such a permit program by—

''(i) remedying the deficiencies detailed in the notice provided under subsection (d)(2)(A); and

''(ii) receiving from the Administrator—

''(I) a determination that the deficiencies detailed in such notice have been remedied; and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(C) RESUMPTION OF IMPLEMENTATION BY STATE.—For a State for which the Administrator is implementing a coal combustion residuals permit program under subsection (e)(1)(C), the State may adopt and implement such a permit program by—

''(i) notifying the Administrator that the State will adopt and implement such a permit program;

''(ii) not later than 6 months after the date of such notification, submitting to the Administrator a certification under subsection (b)(2); and

''(iii) receiving from the Administrator—

''(I) a determination that the State coal combustion residuals permit program meets the specifications described in subsection (c)(1); and

''(II) a timeline for transition of control of the coal combustion residuals permit program.

''(2) REVIEW OF DETERMINATION.—

''(A) DETERMINATION REQUIRED.—The Administrator shall make a determination under paragraph (1) not later than 90 days after the date on which the State submits a certification under paragraph (1)(A)(ii) or (1)(C)(ii), or notifies the Administrator that the deficiencies have been remedied pursuant to paragraph (1)(B)(i), as applicable.

''(B) REVIEW.—A State may obtain a review of a determination by the Administrator under paragraph (1) as if such determination was a final regulation for purposes of section 7006.

''(3) IMPLEMENTATION DURING TRANSITION.—

''(A) EFFECT ON ACTIONS AND ORDERS.—Actions taken or orders issued pursuant to a coal combustion residuals permit program shall remain in effect if—

''(i) a State takes control of its coal combustion residuals permit program from the Administrator under paragraph (1); or

''(ii) the Administrator takes control of a coal combustion residuals permit program from a State under subsection (e).

''(B) CHANGE IN REQUIREMENTS.—Subparagraph (A) shall apply to such actions and orders until such time as the Administrator or the head of the lead State agency responsible for implementing the coal combustion residuals permit program, as applicable—

''(i) implements changes to the requirements of the coal combustion residuals permit program with respect to the basis for the action or order; or

''(ii) certifies the completion of a corrective action that is the subject of the action or order.

''(4) SINGLE PERMIT PROGRAM.—If a State adopts and implements a coal combustion residuals permit program under this subsection, the Administrator shall cease to implement the permit program implemented under subsection (e) for such State.

''(g) EFFECT ON DETERMINATION UNDER 4005(C) OR 3006.—The Administrator shall not consider the implementation of a coal combustion residuals permit program by the Administrator under subsection (e) in making a determination of approval for a permit program or other system of prior approval and conditions under section 4005(c) or of authorization for a program under section 3006.

''(h) CLOSURE.—If it is determined, pursuant to a coal combustion residuals permit program, that a structure should close, the time period and method for the closure of such structure shall be set forth in a closure plan that establishes a deadline for completion and that takes into account the nature and the site-specific characteristics of the structure to be closed. In the case of a surface impoundment, the closure plan shall require, at a minimum, the removal of liquid and the stabilization of remaining waste, as necessary to support the final cover.

''(i) AUTHORITY.—

''(1) STATE AUTHORITY.—Nothing in this section shall preclude or deny any right of any State to adopt or enforce any regulation or requirement respecting coal combustion residuals that is more stringent or broader in scope than a regulation or requirement under this section.

''(2) AUTHORITY OF THE ADMINISTRATOR.—

''(A) IN GENERAL.—Except as provided in subsection (e) of this section and section 6005 of this title, the Administrator shall, with respect to the regulation of coal combustion residuals, defer to the States pursuant to this section.

''(B) IMMINENT HAZARD.—Nothing in this section shall be construed to affect the authority of the Administrator under section 7003 with respect to coal combustion residuals.

''(C) TECHNICAL AND ENFORCEMENT ASSISTANCE ONLY UPON REQUEST.—Upon request from the head of a lead State agency that is implementing a coal combustion residuals permit program, the Administrator may provide to such State agency only the technical or enforcement assistance requested.

''(3) CITIZEN SUITS.—Nothing in this section shall be construed to affect the authority of a person to commence a civil action in accordance with section 7002.

''(j) MINE RECLAMATION ACTIVITIES.—A coal combustion residuals permit program implemented under subsection (e) by the Administrator shall not apply to the utilization, placement, and storage of coal combustion residuals at surface mining and reclamation operations.

''(k) DEFINITIONS.—In this section:

''(1) COAL COMBUSTION RESIDUALS.—The term 'coal combustion residuals' means—

''(A) the solid wastes listed in section 3001(b)(3)(A)(i), including recoverable materials from such wastes;

''(B) coal combustion wastes that are co-managed with wastes produced in conjunction with the combustion of coal, provided that such wastes are not segregated and disposed of separately from the coal combustion wastes and comprise a relatively small proportion of the total wastes being disposed in the structure;

''(C) fluidized bed combustion wastes;

''(D) wastes from the co-burning of coal with non-hazardous secondary materials provided that coal makes up at least 50 percent of the total fuel burned; and

''(E) wastes from the co-burning of coal with materials described in subparagraph (A) that are recovered from monofills.

''(2) COAL COMBUSTION RESIDUALS PERMIT PROGRAM.—The term 'coal combustion residuals permit program' means a permit program or other system of prior approval and conditions that is adopted by or for a State for the management and disposal of coal combustion residuals to the extent such activities occur in structures in such State.

''(3) STRUCTURE.—The term 'structure' means a landfill, surface impoundment, or other land-based unit which may receive coal combustion residuals.

''(4) REVISED CRITERIA.—The term 'revised criteria' means the criteria promulgated for municipal solid waste landfill units under section 4004(a) and under section 1008(a)(3), as revised under section 4010(c) in accordance with the requirement of such section that the criteria protect human health and the environment.''.

(b) 2000 REGULATORY DETERMINATION.—Nothing in this section, or the amendments made by this section, shall be construed to alter in any manner the Environmental Protection Agency's regulatory determination entitled ''Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels'', published at 65 Fed. Reg. 32214 (May 22, 2000), that the fossil fuel combustion wastes addressed in that determination do not warrant regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.).

(c) CONFORMING AMENDMENT.—The table of contents contained in section 1001 of the Solid Waste Disposal Act is amended by inserting after the item relating to section 4010 the following:

''Sec. 4011. Management and disposal of coal combustion residuals.''.

The CHAIR. Pursuant to House Resolution 619, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, I want to thank Chairman MICA and the leadership for working with our office to allow this amendment to proceed and to be offered.

Just a reminder, this issue passed the House on a 2–1 vote last October and previously on a continuing resolution. The legislation has had strong bipartisan support, with numbers of Democrats voting in favor.

So we're not here to rehash those old fights. What we're here to do is discuss how fly ash pertains to maximizing funds for our roads and our bridges and our construction projects and protecting hundreds of thousands of jobs all across America. But there are those that don't see the correlation between coal ash and concrete, even though it's been an integral part of concrete in America for over 80 years.

Quite frankly, upwards of 316,000 jobs are at stake with this amendment and over $100 billion in roads, bridge, and infrastructure projects if coal ash is not recycled into concrete. Keep in mind, 60 million tons of fly ash are recycled annually.

Let's read some quotes from some of the individuals that have talked about this.

The Veritas Economic Consulting report talks about 316,000 jobs. There's one from the American Road and Transportation Builders Association talking about the $100 billion. Here's one from the Home Builders Association:

Removing coal ash from the supply chain would increase the price of concrete by an average of 10 percent.

□ 1540

Fly ash replaces the American concrete pipe and replaces 15 million tons of cement in its use. Look at what the administration's agencies are talking about under the Department of the Interior and the Department of Transportation.

Department of the Interior:

We concur with industry leaders who feel strongly that if fly ash is designated a hazardous waste, it will no longer be used in concrete.

Here from the same Department:

Fly ash costs approximately 20 to 50 percent less than the cost of cement.

From the Department of Transportation:

Fly ash is a valuable byproduct used in highway facility construction. It is a vital component of concrete and is important for a number of other infrastructure uses.

And the last:

Cement is more costly than fly ash. In some areas, it is as much as twice the cost.

So what does EPA say? Their own statement:

One ton of fly ash used as a replacement for cement reduces the equivalent of nearly 2 months of an automobile's carbon dioxide emissions.

One ton of fly ash used as a replacement for cement saves enough energy to provide electricity to an average American home for nearly 20 days.

Coal ash leads to ''better road performance.''

Mr. Chairman, let's be honest. What we're relating to here is about the use of fly ash in concrete that's been for over 80 years. Anyone opposing this legislation clearly has an agenda, and that agenda is anticoal. So that's why I'm asking my colleagues to join me today in supporting this amendment, once again, and protecting 316,000 jobs and maximizing the highway funds available for upgrading our roads and bridges all across America.

I reserve the balance of my time.

Mr. RAHALL. I ask unanimous consent to claim the time in opposition; although, I am in support of the amendment.

The CHAIR. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. I yield 3 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I rise in opposition to the amendment.

President Obama has already threatened to veto this legislation because it

circumvents the longstanding process for reviewing the potentially dangerous Keystone XL pipeline. The McKinley amendment would add another extraneous provision to the underlying bill. This amendment would prevent EPA from regulating toxic coal ash and would put our Nation's drinking water and public health at greater risk.

On December 22, 2008, a coal ash impoundment in Kingston, Tennessee, burst, releasing 5.4 million cubic yards of toxic sludge, blanketing the Emory River and surrounding land and creating a Superfund site that could cost up to $1.2 billion to clean up.

At hearings in the Energy and Commerce Committee, we heard testimony about the devastating impacts contamination from coal combustion wastes can cause. We learned of contaminated drinking water supplies and ruined property values. We learned that improper disposal of coal ash can both present catastrophic risks from ruptures of containment structures and cause cancer and other illnesses from long-term exposure to leaking chemicals.

Two years ago, EPA proposed regulations to ensure stronger oversight of coal ash impoundments in order to prevent disasters like the one at Kingston and to protect groundwater and drinking water from the threat of contamination. The agency had proposed two alternatives for regulating coal combustion residuals. One proposal was to regulate these wastes under subtitle C of the Resources Conservation Recovery Act, or RCRA, as a hazardous waste. The other proposal was to regulate under subtitle D of RCRA as a nonhazardous solid waste.

Under both proposals, there would be a minimum Federal standard developed to protect human health and the environment. Those standards would address wet impoundments, like in Kingston, and would also ensure that basic controls like the use of liners, groundwater monitoring, and dust control meet a minimum level of effectiveness.

But this amendment blocks both of EPA's proposals. It replaces those proposals with an ineffective program that will not ensure the safe disposal of coal ash, won't protect public health, and won't protect the environment. We could and we should do better.

Under each of our environmental laws, Congress has always established a legal standard when delegating programs to the States. These standards are the yardsticks by which it is determined whether a State's efforts measure up. They ensure a minimum level of effort and protection throughout the Nation. This approach has worked well because it prevents a race to the bottom by the States.

The CHAIR. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman from California an additional 30 seconds.

Mr. WAXMAN. This legislation does not include any legal standard to establish a minimum level of safety, and to the extent new safety requirements are established, nearly all of them can be waived at a State's discretion.

This legislation appears to create a program, but the decision about whether or not to go forward is one that will be at the States' discretion. The result will inevitably be uneven and inconsistent rules between the States. Some will do a good job and others won't.

If this legislation is adopted, no one should be fooled. This bill won't protect communities living near these waste disposal sites.

Mr. MCKINLEY. Mr. Chairman, just a quick couple of observations, just to remind everyone, we've been using fly ash in concrete for over 80 years, and the President has not—has not—issued a veto threat on this legislation. Perhaps he's aware of the 316,000 jobs that others are not as concerned about.

I want to thank my colleague from West Virginia for cosponsoring this legislation, and I hope he will continue to help us find the bipartisan support in protecting the jobs.

Mr. Chairman, how much time remains?

The CHAIR. The gentleman from West Virginia has 1¼ minutes remaining.

Mr. MCKINLEY. I'm going to yield time to the gentleman from Michigan, the chairman of the committee, for the purpose of closing.

The CHAIR. The gentleman is recognized for 75 seconds.

(Mr. UPTON asked and was given permission to revise and extend his remarks.)

Mr. UPTON. I would just like to remind the House that this amendment is the same bill that the House passed last year with a vote of 267–144. We moved this through regular order through our committee hearings, subcommittee and full committee markup, and I want to say, as I recall, by nearly a 3–1 margin in the full committee did we pass this amendment.

This amendment establishes a program that protects human health and environment. It requires groundwater monitoring and requires that States monitor for the same constituents that EPA identified as being important for the regulation of coal ash. The amendment also requires that States require liners for new structures and establishes appropriate controls on fugitive dust.

For 2 years, EPA has been considering regulating coal ash. This bill would allow the safe use of coal ash in such products as concrete, wallboard, and roofing shingles. As the gentleman from West Virginia said, it saves 316,000 jobs. This is a highway and infrastructure bill. It is a jobs bill. This saves American jobs, and it is very important that the House continue to support the McKinley amendment, whether it be a freestanding bill, as we did last year, or the amendment to this bill.

Mr. RAHALL. Mr. Chairman, back in 1980, former Representative Tom Bevill of Alabama and I inserted an amendment into the Solid Waste Disposal Act requiring EPA to study and then determine how to regulate coal ash. That was in 1980. Today, 32 years later, EPA has not done so in a final manner, so I believe it is completely appropriate to place this authority within the hands of the State as the pending amendment by the gentleman from West Virginia would clearly do.

In the wake of the 2008 coal waste disaster at a TVA facility, I introduced legislation to strengthen the regulation of coal ash impoundments. The pending legislation is not perfect in these respects. In fact, there are some flaws which need to be worked out further. I also believe there are more appropriate ways to gain enactment of the provisions of H.R. 2273 which this amendment reflects. In fact, we should all note that the bill has already passed the House and been sent to the other body where Senators are actually working to achieve a bipartisan agreement.

□ 1550

I will, however, vote for this amendment because I have long supported many of the concepts embodied in it, including active oversight of coal ash impoundments and the promotion of the beneficial reuse of coal ash for activities like road building, which my colleague from West Virginia has already well demonstrated.

So as I conclude, I urge my colleagues to support this amendment, and I join in thanking my colleague from West Virginia for bringing it to us today. And I praise him for his consistency because he came to me early on in our T&I markup process to have this introduced in committee.

The CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. RIBBLE

The CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. RIBBLE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 255, noes 165, not voting 11, as follows:

[Roll No. 168]

AYES—255

Adams	Alexander	Austria
Aderholt	Altmire	Baca
Akin	Amodei	Bachmann

Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—165

Ackerman
Amash
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—11

Andrews
Cardoza
Filner
Flake
Kaptur
Marino
Napolitano
Paul
Pingree (ME)
Rangel
Slaughter

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining.

□ 1618

Mr. BILBRAY and Ms. HAYWORTH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Chair, on Wednesday, April 18, 2012, I was absent during rollcall vote No. 168 due to a family medical emergency. Had I been present, I would have voted "no" on agreeing to the Ribble Amendment No. 2.

Mr. FILNER. Mr. Chair, on rollcall 168, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

The CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHAFFETZ) having assumed the chair, Mr. WESTMORELAND, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes, and, pursuant to House Resolution 619, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. POLIS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. POLIS. I am opposed in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Polis moves to recommit the bill H.R. 4348 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

At the end of subtitle A of title I of the bill, add the following (and conform the table of contents accordingly):

SEC. 112. PROHIBITION AGAINST CONSTRUCTION OF HIGHWAYS IN FOREIGN COUNTRIES.

(a) IN GENERAL.—None of the funds made available under this Act may be used for the construction of a highway outside of a State (as defined in section 101(a) of title 23, United States Code) or a territory (as defined in section 215(a) of that title).

(b) REMOVAL OF EXISTING AUTHORITY TO USE HIGHWAY TRUST FUND REVENUES TO CONSTRUCT A HIGHWAY IN A FOREIGN COUNTRY.—

(1) REPEAL.—Section 218 of title 23, United States Code, and the item relating to that section in the analysis for chapter 2 of that title, are repealed.

(2) NHS APPORTIONMENTS.—Section 104(b)(1)(A) of title 23, United States Code, is amended in the matter preceding clause (i) by striking '', $30,000,000'' and all that follows through ''Highway,''.

(c) RESCISSION.—Of the unobligated balances of funds made available for the Alaska Highway under section 104(b)(1)(A) of title 23, United States Code, $12,289,131 is rescinded.

SEC. 113. PROHIBITION ON FUNDING FOR CORRIDOR EARMARK THAT LIMITS FUNDING FOR OTHER ARC STATES.

(a) SYSTEM MILEAGE.—Notwithstanding any other provision of law, any corridor designation that increased the authorized mileage of the Appalachian development highway system above 3,025 miles shall no longer be effective.

(b) REVISION OF COST TO COMPLETE ESTIMATE.—Not later than 90 days after the date of enactment of this Act, the Appalachian Regional Commission shall revise the cost to complete estimate for the Appalachian development highway system under section 14501 of title 40, United States Code, to reflect the elimination of the corridor designation under subsection (a).

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Speaker, usually when something is killed, it stays dead.

But just like a zombie movie, some earmarks refuse to die and return to life as wasteful deficit spending. That's what has happened with this bill and what my simple commonsense amendment corrects.

This Congress was supposed to eliminate earmarks, but zombie earmarks from prior sessions keep appearing and reappearing and my amendment corrects that. Republicans are taking earmarks from previous sessions and calling them something else. Is that our new spending plan? Mr. Speaker, at a time when we face a massive national deficit and have limited resources to address our Nation's transportation needs, the pending measure provides billions of dollars for the construction of the Alabama Porkway and the Canadian Baconway.

Mr. Speaker, even as many in Congress have sworn off earmarks, this legislation continues funding to the Alabama Porkway, a 65-mile, six-lane beltway zombie earmark, a massive highway that surrounds the City of Birmingham, costing taxpayers billions. In fact, just last year, an article in the Birmingham News cited how cost estimates have soared from $3.4 billion to $4.7 billion before construction. So costs have soared, and now Alabama wants a bailout for their zombie highway, an earmark and a bailout.

Mr. Speaker, I guess the more Washington changes, the more it stays the same. The good news is, Mr. Speaker, with this amendment I'm calling out this bailout and giving Members on both sides of the aisle the opportunity to stop the bailout of the Alabama Porkway.

In 2004, a Republican Member of Congress added a provision that had not been included in either the House or the Senate bill behind closed doors to an appropriations bill adding a new 65-mile, six-lane Birmingham beltway to the Appalachian Development System. This earmark is unprecedented in the Appalachian region's more-than-45-year history. Alabama went from receiving 6.2 percent of highway funds to 25 percent in one fell swoop. That's good for the Alabama Porkway and those living high on the hog, but bad for taxpayers everywhere and worthy projects across Appalachia.

My amendment strikes the windfall bailout and a windfall that comes at the expense of 12 other States in the Appalachian region. The money comes directly from projects that would have been funded in Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

Even many Alabamans understand that this is a waste of Federal dollars. If Alabamans want to build a porkway around Birmingham, go right ahead. Just don't do it with our tax dollars outside of the normal process while competing for their share of Federal dollars.

Many Alabamans agree. One in the Birmingham News said, ''Spend, spend, spend. That's the mantra of the Birmingham beltway and State and local government.'' Another Alabaman says, ''As a businessman, I am more concerned about the flagrant disregard for the economic damage that will be wreaked on Alabama in the long term by the beltline.''

The beltline goes right through the farm of 88-year-old Ardell Turner. She lived her entire life in Alabama. The Northern Beltline goes right through her farm that she and her husband have had since 1950. This is big Federal deficit spending, a big beltway, a big porkway right through Ardell's farm.

My amendment also prohibits construction of highways in foreign countries, which this bill contains.

□ 1630

Mr. Speaker, the bill before us provides gas tax funds, $30 million a year, for a 325-mile Canadian baconway right through the Yukon, out of the pocket of American families and into a Canadian baconway.

The next time my colleagues are at home at a gas station talking to constituents, I encourage them to ask their constituents if they think our gas tax dollars should be used to build a 325-mile highway in Canada or any foreign county.

Now, this isn't an anti-Canada amendment. In fact, I don't think Mexico or Canada should be building highways through the United States. What this amendment does is it gives every Member of the House a chance to decide if we would rather build highways in Canada or reduce our deficit. Our choice.

If you want to reduce the deficit and make sure there isn't a precedent for Mexico or Canada building highways through your State, vote ''yes.'' If you want to engage in more deficit spending to build expensive highways through the Yukon, vote ''no.''

My amendment would prohibit the use of any funds provided under this act for construction of highways outside of the United States and reduce the Federal deficit by over $12 million.

Mr. Speaker, on March 2, 2011, I offered an amendment to stop Federal taxpayer money from funding the infamous Bridge to Nowhere. Mr. MICA gave a response to it and said it was smoke and mirrors. He said it's trying to mislead the House and it's smoke and mirrors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, this is not smoke and mirrors.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. The House cannot hide behind smoke and mirrors, behind wasteful pork—from Alabama to the Yukon.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. POLIS. I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I claim time in opposition.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Mr. Speaker and my colleagues, I will be very brief.

The gentleman said that I had said before we had smoke and mirrors, and once again we have smoke and mirrors. Every opportunity was given to the other side. My committee sat for some 18 hours. They never brought this issue up. We heard over 100 Democrat amendments. It was not brought up in one of the single 200 amendments proposed to the committee.

What this is is an obstruction to getting people working, to getting our infrastructure for this country built. We need to vote down this motion to recommit and let's move forward in getting America building its infrastructure and getting people to work and affordable energy to people that can't even afford to fill up their gas tank today. I've had it with these delays.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

POINT OF ORDER

Mr. JACKSON of Illinois. Mr. Speaker, I would like to raise a point of order.

The SPEAKER pro tempore. The gentleman may state his point of order.

Mr. JACKSON of Illinois. In the future, when a Member is speaking and someone asks for order, does the clock stop or does the clock continue while they're asking for order in the House?

The SPEAKER pro tempore. The Chair will respond to the inquiry.

Time spent obtaining order is not charged to the Member under recognition.

Mr. JACKSON of Illinois. It is not charged against the speaker?

The SPEAKER pro tempore. The gentleman is correct.

Mr. JACKSON of Illinois. I thank the Speaker.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and the motion to suspend the rules and pass H.R. 2453.

The vote was taken by electronic device, and there were—ayes 176, noes 242, not voting 13, as follows:

[Roll No. 169]

AYES—176

Ackerman	Barrow	Berman
Altmire	Bass (CA)	Bishop (GA)
Baca	Becerra	Bishop (NY)
Baldwin	Berkley	Blumenauer

Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—242

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Andrews
Filner
Flake
Honda
Kaptur
Marino
McNerney
Napolitano
Paul
Pelosi
Pingree (ME)
Rangel
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1648

Mr. MARCHANT changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 169, I was away from the Captiol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, April 18, 2012, I was absent during rollcall vote No. 169 due to a family medical emergency. Had I been present, I would have voted "aye" on the motion to recommit on H.R. 4348—Surface Transportation Extension Act of 2012, Part II.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MICA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 293, noes 127, not voting 11, as follows:

[Roll No. 170]

AYES—293

Adams
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (IL)
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Eshoo
Farenthold
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Keating
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Lance
Landry
Lankford
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Scalise
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (SC)
Scott, Austin
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Watt
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman

Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—127

Ackerman
Aderholt
Amash
Baldwin
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Blumenauer
Bonamici
Brooks
Broun (GA)
Butterfield
Campbell
Capps
Capuano
Carney
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
DeGette
DeLauro
Deutch
Dingell
Doggett
Edwards
Ellison
Engel
Farr
Frank (MA)
Fudge
Garamendi
Gonzalez
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Johnson (GA)
Jordan
Kildee
Kind
Kucinich
Labrador
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lowey
Luján
Maloney
Markey
Matsui
McClintock
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Nadler
Neal
Olver
Pallone
Pelosi
Peters
Polis
Price (NC)
Quayle
Quigley
Reyes
Ross (FL)
Roybal-Allard
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schweikert
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sherman
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Woolsey

NOT VOTING—11

Andrews
Carnahan
Filner
Flake
Kaptur
Marino
Napolitano
Paul
Pingree (ME)
Rangel
Slaughter

□ 1658

Messrs. SMITH of Washington, SERRANO and HOYER changed their vote from ''aye'' to ''no.''

Messrs. GOSAR, BARTON of Texas, CAMP, AL GREEN of Texas and Ms. JACKSON LEE of Texas changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, April 18, 2012, I was absent during rollcall vote No. 170 due to a family medical emergency. Had I been present, I would have voted "no" on final passage on H.R. 4348—Surface Transportation Extension Act of 2012, Part II.

Mr. FILNER. Mr. Speaker, on rollcall 170, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

MARK TWAIN COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2453) to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. LUETKEMEYER) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 4, answered ''present'' 2, not voting 17, as follows:

[Roll No. 171]

YEAS—408

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neal
Neugebauer
Noem
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—4

Amash
Brady (TX)
Nugent
Rigell

ANSWERED ''PRESENT''—2

Duncan (SC)
Mulvaney

NOT VOTING—17

Andrews
Cole
Filner
Flake
Garrett
Grijalva
Kaptur
King (NY)
Loebsack
Marino
McCotter
Napolitano
Paul
Perlmutter
Pingree (ME)
Rangel
Slaughter

□ 1706

Ms. JACKSON LEE of Texas changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 171, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, April 18, 2012, I was absent during rollcall vote No. 171 due to a family medical emergency. Had I been present, I would have voted "yea" on the motion to suspend the rules and pass H.R. 2453—Mark Twain Commemorative Coin Act, as amended.