S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. RES. 175

At the request of Mrs. SHAHEEN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

S. RES. 202

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Res. 202, a resolution designating June 27, 2011, as ''National Post-Traumatic Stress Disorder Awareness Day''.

AMENDMENT NO. 424

At the request of Mr. JOHANNS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 424 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 433

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 433 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 467

At the request of Ms. AYOTTE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 467 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 468

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 468 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 476

At the request of Mrs. FEINSTEIN, the names of the Senator from Virginia (Mr. WEBB), the Senator from Maine (Ms. COLLINS), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 476 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself and Mr. KYL):

S. 1213. A bill to amend title II of the Social Security Act to extend the solvency of the Social Security Trust Funds by increasing the normal and early retirement ages under the Social Security program and modifying the cost-of-living adjustments in benefits; to the Committee on Finance.

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

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

S. 1213

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defend and Save Social Security Act''.

SEC. 2. ADJUSTMENT TO NORMAL AND EARLY RETIREMENT AGE.

(a) IN GENERAL.—Section 216(l) of the Social Security Act (42 U.S.C. 416(l)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''2017'' and inserting ''2016''; and

(B) by striking subparagraphs (D) and (E) and inserting the following new subparagraphs:

''(D) with respect to an individual who—

''(i) attains 62 years of age after December 31, 2015, and before January 1, 2024, such individual's early retirement age (as determined under paragraph (2)(A)) plus 48 months; or

''(ii) receives a benefit described in paragraph (2)(B) and attains 60 years of age after December 31, 2015, and before January 1, 2024, 66 years of age plus the number of months in the age increase factor (as determined under paragraph (4)(A)(i));

''(E) with respect to an individual who—

''(i) attains 62 years of age after December 31, 2023, and before January 1, 2027, 68 years of age plus the number of months in the age increase factor (as determined under paragraph (4)(B)(ii)); or

''(ii) receives a benefit described in paragraph (2)(B) and attains 60 years of age after December 31, 2023, and before January 1, 2027, 68 years of age plus the number of months in the age increase factor (as determined under paragraph (4)(B)(i)); and

''(F) with respect to an individual who—

''(i) attains 62 years of age after December 31, 2026, 69 years of age; or

''(ii) receives a benefit described in paragraph (2)(B) and attains 60 years of age after December 31, 2026, 69 years of age.'';

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

''(2) The term 'early retirement age' means—

''(A) in the case of an old-age, wife's, or husband's insurance benefit—

''(i) 62 years of age with respect to an individual who attains such age before January 1, 2016;

''(ii) with respect to an individual who attains 62 years of age after December 31, 2015, and before January 1, 2023, 62 years of age plus the number of months in the age increase factor (as determined under paragraph (4)(A)(ii)) for the calendar year in which such individual attains 62 years of age; and

''(iii) with respect to an individual who attains age 62 after December 31, 2022, 64 years of age; or

''(B) in the case of a widow's or widower's insurance benefit, 60 years of age.'';

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

''(3) With respect to an individual who attains early retirement age in the 5-year period consisting of the calendar years 2000 through 2004, the age increase factor shall be equal to two-twelfths of the number of months in the period beginning with January 2000 and ending with December of the year in which the individual attains early retirement age.''; and

(4) by adding at the end the following new paragraph:

''(4) The age increase factor shall be equal to three-twelfths of the number of months in the period—

''(A) beginning with January 2016 and ending with December of the year in which—

''(i) for purposes of paragraphs (1)(D)(ii), the individual attains 60 years of age; or

''(ii) for purposes of paragraph (2)(A)(ii), the individual attains 62 years of age; and

''(B) beginning with January 2024 and ending with December of the year in which—

''(i) for purposes of (1)(E)(ii), the individual attains 60 years of age; or

''(ii) for purposes of (1)(E)(i), the individual attains 62 years of age.''.

(b) CONFORMING INCREASE IN NUMBER OF ELAPSED YEARS FOR PURPOSES OF DETERMINING PRIMARY INSURANCE AMOUNT.—Section 215(b)(2)(B)(iii) of such Act (42 U.S.C. 415(b)(2)(B)(iii)) is amended by striking ''age 62'' and inserting ''early retirement age (or, in the case of an individual who receives a benefit described in section 216(l)(2)(B), 62 years of age)''.

SEC. 3. COST-OF-LIVING ADJUSTMENT.

Section 215(i) of the Social Security Act (42 U.S.C. 415(i)) is amended—

(1) in paragraph (1)(D), by inserting ''subject to paragraph (6),'' before ''the term''; and

(2) by adding at the end the following new paragraph:

''(6)(A) Subject to subparagraph (B), with respect to a base quarter or cost-of-living computation quarter in any calendar year after 2010, the term 'CPI increase percentage' means the percentage determined under paragraph (1)(D) for the quarter reduced (but not below zero) by 1 percentage point.

''(B) The reduction under subparagraph (A) shall apply only for purposes of determining the amount of benefits under this title and not for purposes of determining the amount of, or any increases in, benefits under other

provisions of law which operate by reference to increases in benefits under this title.''.

By Mr. WARNER:

S. 1222. A bill to amend title 31, United States Code, to require accountability and transparency in Federal spending, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. WARNER. Mr. President, I rise today to introduce an important new piece of legislation—the Digital Accountability and Transparency Act, or DATA Act.

Sine I have been in Washington, I have been frustrated by the lack of transparency and useful spending information to help inform the decisionmaking process. Our taxpayers deserve to clearly see how their tax dollars are spent.

As Chairman of the Budget Committee's Task Force on Government Performance, I have been working to improve the outcomes and results of our Federal investments.

Last year, we passed the Government Performance and Results Modernization Act to more frequently track government outcomes and to help reduce overlap and duplication. Today, I will introduce the DATA Act to help bring a new level of transparency to our Federal spending.

I want to start by acknowledging the work of the administration and the Recovery Accountability and Transparency Board—this legislation was built off the important work they have been leading to reduce waste for the Recovery Act investments.

Under Vice President BIDEN's leadership, supported by the Recovery Board Chairman Earl Devaney—they have established a new standard for government accountability. The results are impressive.

Out of more than 200,000 Recovery Act fund recipients—there are only 7 recipients that have not filed their required financial reports.

I also need to mention the leadership at the Office of Management and Budget—including director Jack Lew and our chief performance officer Jeff Zients. OMB led the charge with the Recovery Board to ensure the accountability of the Recovery Act funds and have made transparency an important goal government-wide.

The administration, the Recovery Board and OMB have proved that government can respond to the demand for more transparency and accountability. Now we need to expand the Recovery Act model across the whole government. The DATA Act does just that.

First, this legislation will require recipients of Federal funds and government agencies to report spending data into one transparent online portal. Much like they did for Recovery Act funds.

This data will be analyzed and compared proactively in order to identify and prevent waste, fraud and abuse before it happens. There are tremendous opportunities to reduce improper payments by applying the Recovery Board's fraud prevention tactics to the entire Federal Government.

This legislation will also create a new Board to oversee transparency efforts and set consistent standards for data across the entire Federal Government. Board membership will be comprised of a select group that will include senior OMB officials, agency Deputy Secretaries and Inspectors General.

All this information will be made publicly available so the American people can track taxpayer funds more closely.

This legislation will create a new structure that could help coordinate and reduce duplicative reporting requirements and burdens felt by many governments, nonprofits and businesses.

Finally, this legislation is an example of how Washington should work. It builds off the work of the administration and the Recovery Board, the work of Chairman DARRELL ISSA in the House and now with the introduction of this legislation in the Senate. By working together in a bipartisan way, we will have the strongest proposal that is poised to change the way the government does business.

I must thank Chairman DARRELL ISSA of California for his leadership on developing this legislation. He has been working tirelessly on improving transparency for years—even starting a House Caucus on Transparency to rally his colleagues on the subject.

I am pleased to be his partner in offering this legislation.

I look forward to working with my colleagues in the Senate and with the administration to make refinements to this legislation and to move forward with this bill.

By Mr. FRANKEN (for himself and Mr. BLUMENTHAL):

S. 1223. A bill to address voluntary location tracking of electronic communications devices, and for other purposes; to the Committee on the Judiciary.

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

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

S. 1223

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Location Privacy Protection Act of 2011''.

SEC. 2. DEFINITION.

In this Act, the term ''geolocation information'' has the meaning given that term in section 2713 of title 18, United States Code, as added by this Act.

SEC. 3. VOLUNTARY LOCATION TRACKING OF ELECTRONIC COMMUNICATIONS DEVICES.

(a) IN GENERAL.—Chapter 121 of title 18, United States Code, is amended by adding at the end the following:

''§ 2713. Voluntary location tracking of electronic communications devices

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered entity' means a nongovernmental individual or entity engaged in the business, in or affecting interstate or foreign commerce, of offering or providing a service to electronic communications devices, including, but not limited to, offering or providing electronic communication service, remote computing service, or geolocation information service;

''(2) the term 'electronic communications device' means any device that—

''(A) enables access to, or use of, an electronic communications system, electronic communication service, remote computing service, or geolocation information service; and

''(B) is designed or intended to be carried by or on the person of an individual or travel with the individual, including, but not limited to, a vehicle the individual drives;

''(3) the term 'express authorization' means express affirmative consent after receiving clear and prominent notice that—

''(A) is displayed by the electronic communications device, separate and apart from any final end user license agreement, privacy policy, terms of use page, or similar document; and

''(B) provides information regarding—

''(i) what geolocation information will be collected; and

''(ii) the specific nongovernmental entities to which the geolocation information may be disclosed;

''(4) the term 'geolocation information'—

''(A) means any information—

''(i) concerning the location of an electronic communications device that is in whole or in part generated by or derived from the operation or use of the electronic communications device; and

''(ii) that may be used to identify or approximate the location of the electronic communications device or the individual that is using the device; and

''(B) does not include any temporarily assigned network address or Internet protocol address of the individual; and

''(5) the term 'geolocation information service' means the provision of a global positioning service or other mapping, locational, or directional information service.

''(b) COLLECTION OR DISCLOSURE OF GEOLOCATION INFORMATION TO OR BY NONGOVERNMENTAL ENTITIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a covered entity may not knowingly collect, receive, record, obtain, or disclose to a nongovernmental individual or entity the geolocation information from an electronic communications device without the express authorization of the individual that is using the electronic communications device.

''(2) EXCEPTIONS.—A covered entity may knowingly collect, receive, record, obtain, or disclose to a nongovernmental individual or entity the geolocation information from an electronic communication device without the express authorization of the individual that is using the electronic communications device if the covered entity has a good faith belief that the collection, receipt, recording, obtaining, or disclosure is—

''(A) necessary to locate a minor child or provide fire, medical, public safety, or other emergency services;

''(B) for the sole purpose of transmitting the geolocation information to the individual or another authorized recipient, including another third party authorized under this subparagraph; or

''(C) expressly required by statute, regulation, or appropriate judicial process.

''(c) ANTI-CYBERSTALKING PROTECTION.—Not earlier than 24 hours, and not later than 7 days, after the time an individual provides express authorization to a covered entity providing a geolocation information service to the individual for the express purpose of authorizing disclosure of geolocation information relating to the individual to another individual, the covered entity shall provide the individual a verification displayed by the electronic communications device that informs the individual—

''(1) that geolocation information relating to the individual is being disclosed to another individual; and

''(2) how the individual may revoke consent to the collection, receipt, recording, obtaining, and disclosure of geolocation information relating to the individual.

''(d) CIVIL REMEDIES.—

''(1) ACTION BY ATTORNEY GENERAL OF THE UNITED STATES.—If the Attorney General of the United States has reasonable cause to believe that an individual or entity is violating this section, the Attorney General may bring a civil action in an appropriate United States district court.

''(2) ACTION BY STATE ATTORNEYS GENERAL.—If the attorney general of a State has reasonable cause to believe that an interest of the residents of the State has been or is threatened or adversely affected by a violation of this section, the attorney general of the State may bring a civil action on behalf of the residents of the State in an appropriate United States district court.

''(3) RIGHT OF ACTION.—Any individual aggrieved by any action of an individual or entity in violation of this section may bring a civil action in an appropriate United States district court.

''(4) PENDING PROCEEDINGS.—

''(A) FEDERAL ACTION.—If the Attorney General has brought a civil action alleging a violation of this section, an attorney general of a State or private person may not bring a civil action under this subsection against a defendant named in the civil action relating to a violation of this section that is alleged in the civil action while the civil action is pending.

''(B) STATE ACTION.—If the attorney general of a State has brought a civil action alleging a violation of this section, an individual may not bring a civil action under this subsection against a defendant named in the civil action for a violation of this section that is alleged in the civil action while the civil action is pending.

''(5) RELIEF.—In a civil action brought under this subsection, the court may award—

''(A) actual damages, but not less than damages in the amount of $2,500;

''(B) punitive damages;

''(C) reasonable attorney's fees and other litigation costs reasonably incurred; and

''(D) such other preliminary or equitable relief as the court determines to be appropriate.

''(6) PERIOD OF LIMITATIONS.—No civil action may be brought under this subsection unless such civil action is begun within 2 years from the date of the act complained of or the date of discovery.

''(7) LIMITATION ON LIABILITY.—A civil action may not be brought under this subsection relating to any collection, receipt, recording, obtaining, or disclosure of geolocation information that is authorized under any other provision of law or appropriate legal process.

''(e) EFFECTS ON OTHER LAW.—

''(1) IN GENERAL.—This section shall supersede a provision of the law of a State or political subdivision of a State that requires or allows collection or disclosure of geolocation information prohibited by this section.

''(2) COMMON CARRIERS AND CABLE SERVICES.—This section shall not apply to the activities of an individual or entity to the extent the activities are subject to section 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 and 551).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 121 of title 18, United States Code, is amended—

(1) in the table of sections, by adding at the end the following:

''2713. Voluntary location tracking of electronic communications devices.''; and

(2) in section 2702—

(A) in subsection (b), by striking ''A provider'' and inserting ''Except as provided under section 2713, a provider''; and

(B) in subsection (c), by striking ''A provider'' and inserting ''Except as provided under section 2713, a provider''.

SEC. 4. GEOLOCATION INFORMATION USED IN INTERSTATE DOMESTIC VIOLENCE OR STALKING.

(a) IN GENERAL.—Chapter 110A of title 18, United States Code, is amended—

(1) by redesignating section 2266 as section 2267;

(2) by inserting after section 2265 the following:

''§ 2266. Geolocation information used in interstate domestic violence or stalking

''(a) OFFENSES; UNAUTHORIZED DISCLOSURE OF GEOLOCATION INFORMATION IN AID OF INTERSTATE DOMESTIC VIOLENCE OR STALKING.—A covered entity that—

''(1) knowingly and willfully discloses geolocation information about an individual to another individual;

''(2) knew that a violation of section 2261, 2261A, or 2262 would result from the disclosure; and

''(3) intends to aid in a violation of section 2261, 2261A, or 2262 as a result of the disclosure, shall be punished as provided in subsection (b).

''(b) PENALTIES.—A covered entity that violates subsection (a) shall be fined under this title, imprisoned for not more than 2 years, or both.''; and

(3) in section 2267, as so redesignated, by adding at the end the following:

''(11) COVERED ENTITY; GEOLOCATION INFORMATION.—The terms 'covered entity' and 'geolocation information' have the meanings given those terms in section 2713.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 10.—Section 1561a(b) of title 10, United States Code, is amended by striking ''section 2266(5)'' and inserting ''section 2267(5)''.

(2) TITLE 18.—Title 18, United States Code, is amended—

(A) in section 1992(d)(14), by striking ''section 2266'' and inserting ''section 2267''; and

(B) in chapter 110A—

(i) in the table of sections, by striking the item relating to section 2266 and inserting the following:

''2266 Geolocation information used in interstate domestic violence or stalking.

''2267. Definitions.''; and

(ii) in section 2261(b)(6), by striking ''section 2266 of title 18, United States Code,'' and inserting ''section 2267''.

(3) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 2011(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5(c)) is amended by striking ''section 2266'' and inserting ''section 2267''.

SEC. 5. SALE OF GEOLOCATION INFORMATION OF YOUNG CHILDREN.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) by inserting after section 2252C the following:

''§ 2252D. Sale of geolocation information of young children

''Any person who knowingly and willfully sells the geolocation information of not less than 1,000 children under 11 years of age shall be fined under this title, imprisoned for not more 2 years, or both.''; and

(2) in section 2256—

(A) in paragraph (8), by striking the period at the end and inserting a semicolon;

(B) in paragraph (9), by striking the period at the end and inserting a semicolon;

(C) in paragraph (10), by striking ''and'' at the end;

(D) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(12) the term 'geolocation information' has the meaning given that term in section 2713.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252C the following:

''2252D. Sale of geolocation information of young children.''.

SEC. 6. NATIONAL BASELINE STUDY OF USE OF GEOLOCATION DATA IN VIOLENCE AGAINST WOMEN.

(a) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine the role of geolocation information in violence against women.

(b) SCOPE.—

(1) IN GENERAL.—The study conducted under subsection (a) shall examine the role that various new technologies that use geolocation information may have in the facilitation of domestic violence, dating violence, or stalking, including, but not limited to—

(A) global positioning system technology;

(B) smartphone mobile applications;

(C) in-car navigation devices; and

(D) geo-tagging technology.

(2) EVALUATION.—The study conducted under subsection (a) shall evaluate the effectiveness of the responses of Federal, State, tribal, and local law enforcement agencies to the conduct described in paragraph (1).

(3) RECOMMENDATIONS.—The study conducted under subsection (a) shall propose recommendations to improve the effectiveness of the responses of Federal, State, tribal, and local law enforcement agencies to the conduct described in paragraph (1).

(c) TASK FORCE.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study conducted under subsection (a) and guide implementation of the recommendations proposed under subsection (b)(3).

(2) MEMBERS.—The task force established under paragraph (1) shall include—

(A) representatives from—

(i) the National Institute of Standards and Technology; and

(ii) the Federal Trade Commission; and

(B) representatives appointed by the Director of the Office on Violence Against Women from—

(i) the offices of attorney generals of States;

(ii) national violence against women nonprofit organizations; and

(iii) the industries related to the technologies described in subsection (b)(1).

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee

on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that describes the results of the study conducted under subsection (a).

SEC. 7. GEOLOCATION CRIME REPORTING CENTER.

(a) IN GENERAL.—The Attorney General, acting through the Director of the Federal Bureau of Investigation, and in conjunction with the Director of the Bureau of Justice Assistance, shall create a mechanism using the Internet Crime Complaint Center to register complaints of crimes the conduct of which was aided by use of geolocation information.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General, acting through the Director of the Federal Bureau of Investigation, and in conjunction with the Director of the Bureau of Justice Assistance, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that—

(1) discusses the information obtained using the mechanism created under subsection (a);

(2) evaluates the potential risks that the widespread availability of geolocation information poses in increasing crimes against person and property;

(3) describes programs of State and municipal governments intended to reduce these risks; and

(4) makes recommendations on measures that could be undertaken by Congress to reduce or eliminate these risks.

SEC. 8. NATIONAL GEOLOCATION CURRICULUM DEVELOPMENT.

The Attorney General shall develop a national education curriculum for use by State and local law enforcement agencies, judicial educators, and victim service providers to ensure that all courts, victim advocates, and State and local law enforcement personnel have access to information about relevant laws, practices, procedures, and policies for investigating and prosecuting the misuse of geolocation information.

By Mr. DURBIN:

S. 1230. A bill to secure public investments in transportation infrastructure; to the Committee on Commerce, Science, and Transportation.

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

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

S. 1230

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Taxpayers in Transportation Asset Transfers Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSET TRANSACTION.—The term ''asset transaction'' means—

(A) a concession agreement for a public transportation asset; or

(B) a contract for the sale or lease of a public transportation asset between the State or local government with jurisdiction over the public transportation asset and a private individual or entity.

(2) CONCESSION AGREEMENT.—

(A) IN GENERAL.—The term ''concession agreement'' means an agreement entered into by a private individual or entity and a State or local government with jurisdiction over a public transportation asset to convey to the private individual or entity the right to manage, operate, and maintain the public transportation asset for a specific period of time in exchange for the authorization to impose and collect a toll or other user fee from a person for each use of the public transportation asset during that period.

(B) EXCLUSION.—The term ''concession agreement'' does not include an agreement entered into by a State or local government and a private individual or entity for the construction of any new public transportation asset.

(3) PUBLIC TRANSPORTATION ASSET.—

(A) IN GENERAL.—The term ''public transportation asset'' means a transportation facility of any kind that was or is constructed, maintained, or upgraded before, on, or after the date of enactment of this Act using Federal funds—

(i)(I) the fair market value of which is more than $500,000,000, as determined by the Secretary; and

(II) that has received any Federal funding, as of the date on which the determination is made;

(ii) the fair market value of which is less than or equal to $500,000,000, as determined by the Secretary; and

(I) that has received $25,000,000 or more in Federal funding, as of the date on which the determination is made; or

(iii) in which a significant national pubic interest (such as interstate commerce, homeland security, public health, or the environment) is at stake, as determined by the Secretary.

(B) INCLUSIONS.—The term ''public transportation asset'' includes a transportation facility described in subparagraph (A) that is—

(i) a Federal-aid highway (as defined in section 101 of title 23, United States Code);

(ii) a highway or mass transit project constructed using amounts made available from the Highway Account or Mass Transit Account, respectively, of the Highway Trust Fund;

(iii) an air navigation facility (as defined in section 40102(a) of title 49, United States Code); or

(iv) a train station or multimodal station that receives a Federal grant, including any grant authorized under the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 122 Stat. 4907) or an amendment made by that Act.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 3. PROGRAM TO SECURE PUBLIC INVESTMENTS IN TRANSPORTATION INFRASTRUCTURE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program under which a Federal lien shall be attached to each public transportation asset.

(b) PROHIBITION ON SALES AND LEASES.—

(1) IN GENERAL.—A public transportation asset to which a lien is attached under subsection (a) may not be the subject of any asset transaction unless—

(A) the lien is released in accordance with paragraph (2);

(B)(i) the private individual or entity seeking the asset transaction enters into an agreement with the Secretary described in paragraph (3)(A)(i); and

(ii) the State or local government or other public sponsor seeking the asset transaction enters into an agreement with the Secretary described in paragraph (3)(A)(ii);

(C) the Secretary publishes a disclosure in accordance with paragraph (4); and

(D) the State or local government seeking the asset transaction provides for public notice and an opportunity to comment on the proposed asset transaction.

(2) RELEASE OF LIENS.—

(A) IN GENERAL.—A lien on a public transportation asset described in paragraph (1) may be released only if—

(i) the State or local government or other public sponsor seeking the asset transaction for the public transportation asset pays to the Secretary an amount determined by the Secretary under subparagraph (B); and

(ii) the Secretary certifies that the required agreements described in paragraph (3) have been signed, and the terms of the agreements incorporated into the terms of the asset transaction, for the public transportation asset.

(B) DETERMINATION OF REPAYMENT AMOUNT.—The Secretary shall determine the amount that is required to be paid for the release of a Federal lien on a public transportation asset under this paragraph, taking into account, at a minimum—

(i) the total amount of Federal funds that have been expended to construct, maintain, or upgrade the public transportation asset;

(ii) the amount of Federal funding received by a State or local government based on inclusion of the public transportation asset in calculations using Federal funding formulas or for Federal block grants;

(iii) the reasonable depreciation of the public transportation asset, including the amount of Federal funds described in clause (i) that may be offset by that depreciation; and

(iv) the loss of Federal tax revenue from bonds relating to, and the tax consequences of depreciation of, the public transportation asset.

(3) AGREEMENTS.—

(A) IN GENERAL.—As a condition of any new or renewed asset transaction for a public transportation asset—

(i) the private individual or entity seeking the asset transaction shall enter into an agreement with the Secretary, which shall be incorporated into the terms of the asset transaction, under which the private individual or entity agrees—

(I) to disclose and eliminate any conflict of interest involving any party to the agreement;

(II)(aa) to adequately maintain the condition and performance of the public transportation asset during the term of the asset transaction; and

(bb) on the end of the term of the asset transaction, to return the public transportation asset to the applicable State or local government in a state of good repair;

(III) to disclose an estimated amount of tax benefits and financing transactions over the life of the lease resulting from the lease or sale of the public transportation asset;

(IV) to disclose anticipated changes in the workforce and wages, benefits, or rules over the life of the lease and an estimate of the amount of savings from those changes; and

(V) to provide an estimate of the revenue the transportation asset will produce for the private entity during the lease or sale period; and

(ii) the State or local government or other public sponsor seeking the asset transaction for the public transportation asset shall enter into an agreement with the Secretary, which shall be incorporated into the terms of the asset transaction, under which the State or local government or other public sponsor agrees—

(I) to pay to the Secretary the amount determined by the Secretary under paragraph (2)(B);

(II) to conduct an assessment of whether, and provide justification that, the asset transaction with the private entity would

represent a better public and financial benefit than a similar transaction using public funding or with a public (as opposed to private) entity, including an assessment of—

(aa) the loss of toll revenues and other user fees relating to the public transportation asset; and

(bb) any impacts on other public transportation assets in the vicinity of the public transportation asset covered by the asset transaction;

(III) that, if the private individual or entity enters into bankruptcy, becomes insolvent, or fails to comply with all terms and conditions of the asset transaction—

(aa) the asset transaction shall immediately terminate; and

(bb) the interest in the public transportation asset conveyed by the asset transaction will immediately revert to the public sponsor;

(IV) to provide an estimate of all increased tolls and other user fees that may be charged to persons using the public transportation asset during the term of the asset transaction;

(V) to disclose any plans the State or local government seeking the asset transaction has for up-front payments or concessions from the private individual or entity seeking the asset transaction;

(VI) that the Federal Government and the applicable State and local governments will retain respective authority and control over decisions regarding transportation planning and management; and

(VII) to prominently post or display the agreement on the website of the local government or public sponsor.

(B) TERM.—An agreement under this paragraph shall not exceed a reasonable term, as determined by the Secretary, in consultation with the relevant State or local government.

(4) PUBLICATION OF DISCLOSURE.—Not later than 90 days before the date on which an asset transaction covering a public transportation asset takes effect, the Secretary shall publish in the Federal Register a notice that contains—

(A) a copy of all agreements relating to the asset transaction between the Secretary and the public and private sponsors involved;

(B) a description of the total amount of Federal funds that have been expended as of the date of publication of the notice to construct, maintain, or upgrade the public transportation asset;

(C) the determination of the repayment amount under paragraph (2)(B) for the public transportation asset;

(D) the amount of Federal funding received by a State or local government based on inclusion of the public transportation asset in calculations using Federal funding formulas or for Federal block grants; and

(E) a certification that the asset transaction will not adversely impact the national public interest of the United States (including the interstate commerce, homeland security, public health, and environment of the United States).

(5) RENEWAL OF ASSET TRANSACTION.—An asset transaction that expires or terminates may be renewed only if—

(A) the Secretary—

(i) calculates a new repayment amount under paragraph (2)(B) required for renewal, as the Secretary determines to be appropriate;

(ii) takes into consideration the impact of a renewed agreement on nearby public transportation assets; and

(iii) publishes a new disclosure for the renewed agreement in accordance with paragraph (4); and

(B) the State or local government seeking to renew the asset transaction—

(i) provides for public notice and an opportunity to comment on the proposed renewal;

(ii) pays to the Secretary the new amount calculated by the Secretary pursuant to subparagraph (A)(i); and

(iii) enters into a new agreement in accordance with paragraph (3) for the renewal.

(c) AMTRAK.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may permit a private individual or entity to enter into an asset transaction covering all or any portion of the facilities and equipment of the National Railroad Passenger Corporation (referred to in this subsection as ''Amtrak'').

(2) CONDITIONS.—A private individual or entity that seeks to enter into an asset transaction described in paragraph (1) shall agree—

(A) to enter into an agreement described in subsection (b)(3) with the Secretary covering the asset transaction; and

(B) to pay to the Secretary an amount equal to the amount of Federal funds provided for Amtrak during the period of fiscal year 1971 through the fiscal year in which an agreement described in subsection (b)(3) covering the asset transaction is entered into, as adjusted by, as determined by the Secretary—

(i) the reasonable depreciation of the portion of Amtrak facilities and equipment covered by the agreement, including that amount of Federal funds provided for Amtrak that may be offset by that depreciation;

(ii) the amount of Federal funding received by a State or local government to upgrade any capital facilities owned or operated by Amtrak to facilitate passenger rail service; and

(iii) the loss of Federal tax revenue from bonds, Federal financing, or any tax advantages granted to Amtrak since fiscal year 1971, including financing and bonding covered by or provided under the Taxpayer Relief Act of 1997 (Public Law 105–34; 111 Stat. 788) or an amendment made by that Act.

(3) TERM, DISCLOSURE, AND RENEWAL.—Paragraphs (3)(B), (4), and (5) of subsection (b) shall apply to an asset transaction entered into under this subsection.

(d) USE OF FUNDS BY SECRETARY.—Funds received by the Secretary as a payment under paragraph (2)(A)(i) or (5)(B)(ii) of subsection (b) or subsection (c)(2)(B) shall be available to and used by the Secretary, without further appropriation and to remain available until expended, for transportation projects and activities in the same transportation mode as the mode of the public transportation asset for which the payment was received.

(e) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this Act.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress and publish in the Federal Register a report that describes each public transportation asset that is the subject of an asset transaction during the year covered by the report, including the total amount of Federal funds that were received by a State or local government to construct, maintain, or upgrade the public transportation asset as of the date of submission of the report.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act such sums as are necessary.

SEC. 4. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 209—CONGRATULATING THE DALLAS MAVERICKS ON WINNING THE 2011 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 209

Whereas the Dallas Mavericks finished the 2010–11 National Basketball Association (NBA) season with a 57–25 record;

Whereas, during the 2011 NBA Playoffs, the Mavericks defeated the Portland Trailblazers, Los Angeles Lakers, Oklahoma City Thunder, and Miami Heat en route to the NBA Championship;

Whereas the Mavericks epitomized a ''never say die'' attitude during the 2011 NBA Finals, overcoming losses in games 1 and 3 of the NBA Finals with thrilling fourth quarter comebacks in games 2, 4, and 5 to take a 3–2 series lead;

Whereas, on June 12, 2011, the Mavericks won the 2011 NBA Championship in 6 games over the Miami Heat;

Whereas the Mavericks owner Mark Cuban never wavered in his commitment to bring an NBA championship to Dallas, fulfilling the vision of founding owner Don Carter and past owner Ross Perot, Jr.;

Whereas the President of Basketball Operations and General Manager Donnie Nelson built a team complete with depth, versatility, and humility;

Whereas third-year Head Coach Rick Carlisle and his assistants helped transform the Mavericks from a perennial playoff contender into the NBA's best;

Whereas Dirk Nowitzki, who has spent his entire 13-year career with the Mavericks, overcame injury and illness to average 26 points and 9.6 rebounds per game during the NBA Finals, earning the NBA Finals Most Valuable Player Award;

Whereas longtime Mavericks guard Jason Terry scored a game high 27 points in game 6 to carry the Mavericks to the championship;

Whereas 17-year NBA veteran Jason Kidd set the tone for the Mavericks' success through his patient, calm, and disciplined leadership;

Whereas Shawn Marion, Tyson Chandler, DeShawn Stevenson, and Jose Juan ''J.J.'' Barea provided balance on offense and defense to help pave the way to the championship;

Whereas the Mavericks bench was pivotal to the team's championship, with valuable contributions being made by the entire roster, including guard Rodrigue Beaubois, forward Corey Brewer, forward Caron Butler, forward Brian Cardinal, center Brendan Haywood, guard Dominique Jones, center Ian Mahinmi, and forward Peja Stojakovic; and

Whereas the Mavericks gave the city of Dallas its first NBA Championship, a unique and special accomplishment for Mavericks fans throughout the Dallas/Fort Worth Metroplex and around the world: Now, therefore, be it