

105TH CONGRESS
1ST SESSION

S. 1454

To provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

Mr. BOND (for himself, Mr. CHAFEE, Mr. WARNER, Mr. BAUCUS, and Mr. D'AMATO) introduced the following bill; which was read twice, considered, read the third time, and passed

A BILL

To provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Surface Transpor-
5 tation Extension Act of 1997”.

6 **SEC. 2. ADVANCE AUTHORIZATIONS.**

7 (a) IN GENERAL.—The Secretary of Transportation
8 (referred to in this Act as the “Secretary”) shall apportion

1 funds made available under the amendment made by sub-
2 section (d)—

3 (1) to any State for which the State's unobli-
4 gated balance, as of October 1, 1997, of Federal-aid
5 highway apportionments subject to any limitation on
6 obligations is less than 50 percent of the State's
7 total fiscal year 1997 obligation authority for funds
8 apportioned for the Federal-aid highway program;
9 and

10 (2) in an amount sufficient to increase the
11 State's unobligated balance, as of October 1, 1997,
12 of apportionments described in paragraph (1) to an
13 amount equal to 50 percent of the State's total fiscal
14 year 1997 obligation authority for funds apportioned
15 for the Federal-aid highway program.

16 (b) ELIGIBLE USE OF APPORTIONMENTS.—A State
17 may obligate funds apportioned under subsection (a) for
18 any project eligible for assistance under section 133, 149,
19 402, or 410 of title 23, United States Code, or chapter
20 311 of title 49, United States Code.

21 (c) REPAYMENT FROM SURFACE TRANSPORTATION
22 PROGRAM APPORTIONMENT.—The Secretary shall reduce
23 the amount that would, but for this section, be appor-
24 tioned to a State under section 104(b)(3) of title 23, Unit-
25 ed States Code, for fiscal year 1998 under a law reauthor-

1 izing the Federal-aid highway program enacted after the
 2 date of enactment of this Act by the amount of any au-
 3 thorization of contract authority provided to a State under
 4 subsection (a).

5 (d) AUTHORIZATION OF CONTRACT AUTHORITY.—
 6 Section 1003 of the Intermodal Surface Transportation
 7 Efficiency Act of 1991 (105 Stat. 1918) is amended by
 8 adding at the end the following:

9 “(d) ADVANCE AUTHORIZATIONS.—There shall be
 10 available from the Highway Trust Fund (other than the
 11 Mass Transit Account) to carry out section 2 of the Sur-
 12 face Transportation Extension Act of 1997 \$506,273,000
 13 for the period of January 1, 1998, through January 8,
 14 1998.

15 “(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

16 “(1) AUTHORIZATION.—Notwithstanding sec-
 17 tion 157(e) of title 23, United States Code, there
 18 shall be available from the Highway Trust Fund
 19 (other than the Mass Transit Account) to carry out
 20 section 157 of title 23, United States Code, not to
 21 exceed \$14,000,000 for the period of January 1,
 22 1998, through January 8, 1998.

23 “(2) ALLOCATION.—The Secretary shall allo-
 24 cate the amounts authorized under paragraph (1) to
 25 each State in the ratio that—

1 “(A) the amount allocated to the State for
2 fiscal year 1997 under section 157 of that title;
3 bears to

4 “(B) the amounts allocated to all States
5 for fiscal year 1997 under section 157 of that
6 title.

7 “(f) CONTRACT AUTHORITY.—Funds authorized
8 under subsections (d) and (e) shall be available for obliga-
9 tion in the same manner as if the funds were apportioned
10 under chapter 1 of title 23, United States Code.”.

11 (e) LIMITATION ON OBLIGATIONS.—

12 (1) ALLOCATION OF OBLIGATION AUTHORITY
13 DURING CERTAIN PERIOD.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), after the date of enactment of this
16 Act, the Secretary shall allocate to each State
17 an amount of obligation authority that is—

18 (i) equal to the greater of—

19 (I) the State’s unobligated bal-
20 ance of Federal-aid highway appor-
21 tionments subject to any limitation on
22 obligations; or

23 (II) 50 percent of the State’s
24 total fiscal year 1997 obligation au-

1 thority for funds apportioned for the
2 Federal-aid highway program; but

3 (ii) not greater than 75 percent of the
4 State's total fiscal year 1997 obligation au-
5 thority for funds apportioned for the Fed-
6 eral-aid highway program.

7 (B) LIMITATION ON AMOUNT.—The total
8 of all allocations under subparagraph (A) shall
9 not exceed \$9,786,275,000.

10 (C) TIME PERIOD FOR OBLIGATIONS OF
11 FUNDS.—

12 (i) IN GENERAL.—Except as provided
13 in clause (ii), a State shall not obligate any
14 funds for any Federal-aid highway pro-
15 gram project after May 1, 1998, until such
16 time as a multiyear law reauthorizing the
17 Federal-aid highway program has been en-
18 acted or July 1, 1998 whichever is earlier.

19 (ii) REOBLIGATION.—Clause (i) shall
20 not preclude the reobligation of deobligated
21 funds.

22 (iii) DISTRIBUTION OF REMAINING
23 OBLIGATION AUTHORITY.—Upon enact-
24 ment of a law described in clause (i), the
25 Secretary shall distribute to each State any

1 remaining amounts of obligation authority
2 for Federal-aid highways and highway
3 safety construction programs by allocation
4 in accordance with section 310(a) of the
5 Department of Transportation and Related
6 Agencies Appropriations Act, 1998 (Public
7 Law 105–66; 111 Stat. 1425).

8 (iv) No contract authority made avail-
9 able to the States prior to July 1, 1998
10 shall be obligated after such date until
11 such time as a multiyear law reauthorizing
12 the Federal-aid highway program has been
13 enacted.

14 (f) TREATMENT OF OBLIGATIONS.—Any obligation
15 incurred under this Act, or an amendment made by this
16 Act, shall be considered to be an obligation for Federal-
17 aid highways and highway safety construction programs
18 for fiscal year 1998 for the purposes of the matter under
19 the heading “(LIMITATION ON OBLIGATIONS)” under the
20 heading “FEDERAL-AID HIGHWAYS” in title I of the De-
21 partment of Transportation and Related Agencies Appro-
22 priations Act, 1998 (Public Law 105–66; 111 Stat. 1425).

23 (g) FUNDING BASELINE.—Notwithstanding section
24 257 of the Balanced Budget and Emergency Deficit Con-
25 trol Act of 1985 (2 U.S.C. 907) and the effect of funding

1 provided under this Act or an amendment made by this
2 Act, the baseline prepared by the Congressional Budget
3 Office and the Office of Management and Budget for fiscal
4 years 1998 through 2003 for mandatory contract author-
5 ity and mandatory outlays for Federal-aid highways and
6 highway safety construction programs shall be the baseline
7 included in the concurrent resolution on the budget for
8 fiscal year 1998.

9 **SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.**

10 (a) **IN GENERAL.**—Notwithstanding any other provi-
11 sion of law, for fiscal year 1998, a State may transfer
12 any funds apportioned to the State for any program under
13 section 104 (including amounts apportioned under section
14 104(b)(3) or set aside or suballocated under section
15 133(d)), 144, or 402 of title 23, United States Code,
16 granted to the State for any program under section 410
17 of that title, or allocated to the State for any program
18 under chapter 311 of title 49, United States Code, that
19 are subject to any limitation on obligations, and that are
20 not obligated, to any other of those programs.

21 (b) **TREATMENT OF TRANSFERRED FUNDS.**—Any
22 funds transferred to another program under subsection (a)
23 shall be subject to the provisions of the program to which
24 the funds are transferred, except that funds transferred
25 to the surface transportation program under section 133

1 of title 23, United States Code, other than paragraphs (1)
2 and (2) of section 133(d) of that title, shall not be subject
3 to section 133(d) of that title.

4 (c) RESTORATION OF APPORTIONMENTS.—

5 (1) IN GENERAL.—As soon as practicable after
6 the date of enactment of a law reauthorizing the
7 Federal-aid highway program enacted after the date
8 of enactment of this Act, the Secretary shall restore
9 any funds that a State transferred under subsection
10 (a) for any project not eligible for the funds but for
11 this section to the program category from which the
12 funds were transferred.

13 (2) PROGRAM CATEGORY RECONCILIATION.—

14 The Secretary may establish procedures under which
15 funds transferred under subsection (a) from a pro-
16 gram category for which funds are no longer author-
17 ized may be restored to the Federal-aid highway pro-
18 gram.

19 (d) GUIDANCE.—The Secretary may issue guidance
20 for use in carrying out this section.

21 **SEC. 4. ADMINISTRATIVE EXPENSES.**

22 (a) EXPENSES OF FEDERAL HIGHWAY ADMINISTRA-
23 TION.—

24 (1) AUTHORITY TO BORROW.—

1 (A) FROM UNOBLIGATED FUNDS AVAIL-
2 ABLE FOR DISCRETIONARY ALLOCATIONS.—If
3 unobligated balances of funds deducted by the
4 Secretary under section 104(a) of title 23,
5 United States Code, for administrative and re-
6 search expenses of the Federal-aid highway pro-
7 gram are insufficient to pay those expenses for
8 fiscal year 1998, the Secretary may borrow not
9 to exceed \$60,000,000 for those expenses from
10 unobligated funds available to the Secretary for
11 discretionary allocations.

12 (B) REQUIREMENT TO REIMBURSE.—
13 Funds borrowed under subparagraph (A) shall
14 be reimbursed from amounts made available to
15 the Secretary under section 104(a) of title 23,
16 United States Code, as soon as practicable after
17 the date of enactment of a law reauthorizing
18 the Federal-aid highway program enacted after
19 the date of enactment of this Act.

20 (2) AUTHORIZATION OF CONTRACT AUTHOR-
21 ITY.—

22 (A) IN GENERAL.—In addition to funds
23 made available under paragraph (1), there shall
24 be available from the Highway Trust Fund
25 (other than the Mass Transit Account) for ad-

1 ministrative and research expenses of the Fed-
2 eral-aid highway program \$151,000,000 for fis-
3 cal year 1998.

4 (B) CONTRACT AUTHORITY.—Funds au-
5 thorized under this paragraph shall be available
6 for obligation in the same manner as if the
7 funds were apportioned under chapter 1 of title
8 23, United States Code.

9 (3) USE OF CERTAIN ADMINISTRATIVE
10 FUNDS.—Section 104(i)(1) of title 23, United States
11 Code, is amended by inserting “, and for the period
12 of October 1, 1997, through March 31, 1998,” after
13 “1997”.

14 (b) BUREAU OF TRANSPORTATION STATISTICS.—
15 Section 6006 of the Intermodal Surface Transportation
16 Efficiency Act of 1991 (105 Stat. 2172) is amended—

17 (1) by inserting “(a) IN GENERAL.—” before
18 “Chapter I”; and

19 (2) in the first sentence of subsection (b)—

20 (A) by striking “1996, and” and inserting
21 “1996,”; and

22 (B) by inserting before the period at the
23 end the following: “, and \$12,500,000 for the
24 period of October 1, 1997, through March 31,
25 1998”.

1 **SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.**

2 (a) FEDERAL LANDS HIGHWAYS.—Section
3 1003(a)(6) of the Intermodal Surface Transportation Ef-
4 ficiency Act of 1991 (105 Stat. 1919) is amended—

5 (1) in subparagraph (A)—

6 (A) by striking “1992 and” and inserting
7 “1992,”; and

8 (B) by inserting before the period at the
9 end the following: “, and \$95,500,000 for the
10 period of October 1, 1997, through March 31,
11 1998”;

12 (2) in subparagraph (B)—

13 (A) by striking “1995, and” and inserting
14 “1995,”; and

15 (B) by inserting before the period at the
16 end the following: “and \$86,000,000 for the pe-
17 riod of October 1, 1997, through March 31,
18 1998”; and

19 (3) in subparagraph (C)—

20 (A) by striking “1995, and” and inserting
21 “1995,”; and

22 (B) by inserting before the period at the
23 end the following: “, and \$42,000,000 for the
24 period of October 1, 1997, through March 31,
25 1998”.

1 (b) NATIONAL RECREATIONAL TRAILS PROGRAM.—
 2 Section 1003 of the Intermodal Surface Transportation
 3 Efficiency Act of 1991 (105 Stat. 1918) (as amended by
 4 section 2(d)) is amended by adding at the end the follow-
 5 ing:

6 “(e) NATIONAL RECREATIONAL TRAILS PROGRAM.—
 7 Section 104(h) of title 23, United States Code, is amended
 8 by inserting ‘and \$7,500,000 for the period of October 1,
 9 1997, through March 31, 1998’ after ‘1997.’”.

10 (c) CERTAIN ALLOCATED PROGRAMS.—

11 (1) HIGHWAY USE TAX EVASION.—Section
 12 1040(f)(1) of the Intermodal Surface Transportation
 13 Efficiency Act of 1991 (23 U.S.C. 101 note; 105
 14 Stat. 1992) is amended in the first sentence by in-
 15 serting before the period at the end the following:
 16 “and \$2,500,000 for the period of October 1, 1997,
 17 through March 31, 1998”.

18 (2) SCENIC BYWAYS PROGRAM.—Section
 19 1047(d) of the Intermodal Surface Transportation
 20 Efficiency Act of 1991 (23 U.S.C. 101 note; 105
 21 Stat. 1998) is amended in the first sentence—

22 (A) by striking “1994, and” and inserting
 23 “1994,”; and

24 (B) by inserting before the period at the
 25 end the following: “, and \$7,000,000 for the pe-

1 riod of October 1, 1997, through March 31,
2 1998”.

3 (d) INTELLIGENT TRANSPORTATION SYSTEMS.—Sec-
4 tion 6058(b) of the Intermodal Surface Transportation
5 Efficiency Act of 1991 (105 Stat. 2194) is amended—

6 (1) by striking “1992 and” and inserting
7 “1992,”; and

8 (2) by inserting before the period at the end the
9 following: “, and \$56,500,000 for the period of Oc-
10 tober 1, 1997, through March 31, 1998”.

11 (e) SURFACE TRANSPORTATION RESEARCH.—

12 (1) OPERATION LIFESAVER.—

13 (A) IN GENERAL.—There shall be available
14 from the Highway Trust Fund (other than the
15 Mass Transit Account) to carry out the oper-
16 ation lifesaver program under section 104(d)(1)
17 of title 23, United States Code, \$150,000 for
18 the period of October 1, 1997, through March
19 31, 1998.

20 (B) CONTRACT AUTHORITY.—Funds au-
21 thorized under this paragraph shall be available
22 for obligation in the same manner as if the
23 funds were apportioned under chapter 1 of title
24 23, United States Code.

1 (2) DWIGHT DAVID EISENHOWER TRANSPOR-
2 TATION FELLOWSHIP PROGRAM.—

3 (A) IN GENERAL.—There shall be available
4 from the Highway Trust Fund (other than the
5 Mass Transit Account) to carry out the Dwight
6 David Eisenhower Transportation Fellowship
7 Program under section 307(a)(1)(C)(ii) of title
8 23, United States Code, \$1,000,000 for the pe-
9 riod of October 1, 1997, through March 31,
10 1998.

11 (B) CONTRACT AUTHORITY.—Funds au-
12 thorized under this paragraph shall be available
13 for obligation in the same manner as if the
14 funds were apportioned under chapter 1 of title
15 23, United States Code.

16 (3) NATIONAL HIGHWAY INSTITUTE.—Section
17 321(f) of title 23, United States Code, is amended
18 by adding at the end the following: “There shall be
19 available from the Highway Trust Fund (other than
20 the Mass Transit Account) to carry out this section
21 \$2,500,000 for the period of October 1, 1997,
22 through March 31, 1998.”.

23 (4) EDUCATION AND TRAINING PROGRAM.—
24 Section 326(c) of title 23, United States Code, is
25 amended by adding at the end the following: “There

1 shall be available from the Highway Trust Fund
 2 (other than the Mass Transit Account) to carry out
 3 this section \$3,000,000 for the period of October 1,
 4 1997, through March 31, 1998.”.

5 **SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.**

6 (a) NHTSA HIGHWAY SAFETY PROGRAMS.—Section
 7 2005(1) of the Intermodal Surface Transportation Effi-
 8 ciency Act of 1991 (105 Stat. 2079) is amended—

9 (1) by striking “1996, and” and inserting
 10 “1996,”; and

11 (2) by inserting before the period at the end the
 12 following: “, and \$83,000,000 for the period of Oc-
 13 tober 1, 1997, through March 31, 1998”; and

14 (b) ALCOHOL-IMPAIRED DRIVING COUNTER-
 15 MEASURES.—Section 410 of title 23, United States Code,
 16 is amended—

17 (1) in subsection (c)—

18 (A) by striking “5” and inserting “6”; and

19 (B) in paragraph (3), by striking “and
 20 fifth” and inserting “fifth, and sixth”;

21 (2) in subsection (d)(2)(B), by striking “two”
 22 and inserting “3”; and

23 (3) in the first sentence of subsection (j)—

24 (A) by striking “1997, and” and inserting
 25 “1997,”; and

1 (B) by inserting before the period at the
2 end the following “, and \$12,500,000 for the
3 period of October 1, 1997, through March 31,
4 1998”.

5 (c) NATIONAL DRIVER REGISTER.—Section
6 30308(a) of title 49, United States Code, is amended—

7 (1) by striking “1994, and” and inserting
8 “1994,”; and

9 (2) by inserting after “1997,” the following:
10 “and \$1,855,000 for the period of October 1, 1997,
11 through March 31, 1998.”.

12 **SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.**

13 Section 31104(a) of title 49, United States Code, is
14 amended—

15 (1) in paragraphs (1) through (5), by striking
16 “not more” each place it appears and inserting “Not
17 more”; and

18 (2) by adding at the end the following:

19 “(6) Not more than \$45,000,000 for the period
20 of October 1, 1997, through March 31, 1998.”.

21 **SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.**

22 Title III of the Intermodal Surface Transportation
23 Efficiency Act of 1991 (105 Stat. 2087–2140) is amended
24 by adding at the end the following:

1 **“SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS**
2 **FOR THE PERIOD OF OCTOBER 1, 1997,**
3 **THROUGH MARCH 31, 1998.**

4 “(a) ALLOCATING AMOUNTS.—Section 5309(m)(1)
5 of title 49, United States Code, is amended by inserting
6 ‘, and for the period of October 1, 1997, through March
7 31, 1998’ after ‘1997’.

8 “(b) APPORTIONMENT OF APPROPRIATIONS FOR
9 FIXED GUIDEWAY MODERNIZATION.—Section 5337 of
10 title 49, United States Code, is amended—

11 “(1) in subsection (a), by inserting ‘and for the
12 period of October 1, 1997, through March 31,
13 1998,’ after ‘1997,’; and

14 “(2) by adding at the end the following:

15 ““(e) SPECIAL RULE FOR OCTOBER 1, 1997,
16 THROUGH MARCH 31, 1998.—The Secretary shall deter-
17 mine the amount that each urbanized area is to be appor-
18 tioned for fixed guideway modernization under this section
19 on a pro rata basis to reflect the partial fiscal year 1998
20 funding made available by section 5338(b)(1)(F).’.

21 “(c) AUTHORIZATIONS.—Section 5338 of title 49,
22 United States Code, is amended—

23 “(1) in subsection (a)—

24 “(A) in paragraph (1), by adding at the
25 end the following:

1 “(F) \$1,349,395,000 for the period of October
2 1, 1997, through March 31, 1998.’; and

3 “(B) in paragraph (2), by adding at the
4 end the following:

5 “(F) \$369,000,000 for the period of October
6 1, 1997, through March 31, 1998.’;

7 “(2) in subsection (b)(1), by adding at the end
8 the following:

9 “(F) \$1,110,605,000 for the period of October
10 1, 1997, through March 31, 1998.’;

11 “(3) in subsection (c), by inserting ‘and not
12 more than \$1,500,000 for the period of October 1,
13 1997, through March 31, 1998,’ after ‘1997.’;

14 “(4) in subsection (e), by inserting ‘and not
15 more than \$3,000,000 is available from the Fund
16 (except the Account) for the Secretary for the period
17 of October 1, 1997, through March 31, 1998,’ after
18 ‘1997.’;

19 “(5) in subsection (h)(3), by inserting ‘and
20 \$3,000,000 is available for section 5317 for the pe-
21 riod of October 1, 1997, through March 31, 1998’
22 after ‘1997.’;

23 “(6) in subsection (j)(5)—

24 “(A) in subparagraph (B), by striking
25 ‘and’ at the end;

1 “(B) in subparagraph (C), by striking the
2 period at the end and inserting ‘; and’; and

3 “(C) by adding at the end the following:

4 ““(D) the lesser of \$1,500,000 or an
5 amount that the Secretary determines is nec-
6 essary is available to carry out section 5318 for
7 the period of October 1, 1997, through March
8 31, 1998.’;

9 “(7) in subsection (k), by striking ‘or (e)’ and
10 inserting ‘(e), or (m)’; and

11 “(8) by adding at the end the following:

12 ““(m) SECTION 5316 FOR THE PERIOD OF OCTOBER
13 1, 1997, THROUGH MARCH 31, 1998.—Not more than the
14 following amounts may be appropriated to the Secretary
15 from the Fund (except the Account) for the period of Oc-
16 tober 1, 1997, through March 31, 1998:

17 “(1) \$125,000 to carry out section 5316(a).

18 “(2) \$1,500,000 to carry out section 5316(b).

19 “(3) \$500,000 to carry out section 5316(c).

20 “(4) \$500,000 to carry out section 5316(d).

21 “(5) \$500,000 to carry out section 5316(e).’”.

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