

105TH CONGRESS
1ST SESSION

H. R. 969

To establish sources of funding for certain transportation infrastructure projects in the vicinity of the border between the United States and Mexico that are necessary to accommodate increased traffic resulting from the implementation of the North American Free Trade Agreement, including construction of new Federal border crossing facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1997

Mr. FILNER introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish sources of funding for certain transportation infrastructure projects in the vicinity of the border between the United States and Mexico that are necessary to accommodate increased traffic resulting from the implementation of the North American Free Trade Agreement, including construction of new Federal border crossing facilities, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Border Infrastructure
3 Safety and Congestion Relief Act of 1997”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) because of the North American Free Trade
7 Agreement, all 4 States along the United States-
8 Mexico border will require significant investments in
9 highway infrastructure capacity and motor carrier
10 safety enforcement at a time when border States
11 face extreme difficulty in meeting current highway
12 funding needs;

13 (2) the full benefits of increased international
14 trade can be realized only if delays at the borders
15 are significantly reduced; and

16 (3) Federal receipts from United States cus-
17 toms duties and fees are estimated to increase by an
18 average of \$800,000,000 annually in fiscal years
19 1999 through 2002, and these monies are an appro-
20 priate source of funding for programs designed to
21 address the infrastructure needs of border States.

22 **SEC. 3. DEFINITIONS.**

23 In this Act, the following definitions apply:

24 (1) **BORDER REGION.**—The term “border re-
25 gion” means the region located within 60 miles of
26 the United States border with Mexico.

1 (2) BORDER STATE.—The term “border State”
2 means California, Arizona, New Mexico, and Texas.

3 (3) FUND.—The term “Fund” means the Bor-
4 der Transportation Infrastructure Fund established
5 under section 4(g).

6 (4) NAFTA.—The term “NAFTA” means the
7 North American Free Trade Agreement.

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of Transportation.

10 **SEC. 4. DIRECT FEDERAL ASSISTANCE FOR BORDER CON-**
11 **STRUCTION AND CONGESTION RELIEF.**

12 (a) IN GENERAL.—Using amounts in the Fund, the
13 Secretary shall make grants under this section to border
14 States that submit an application that demonstrates need,
15 due to increased traffic resulting from the implementation
16 of NAFTA, for assistance in carrying out transportation
17 projects that are necessary to relieve traffic congestion or
18 improve enforcement of motor carrier safety laws.

19 (b) GRANTS FOR CONNECTORS TO FEDERAL BOR-
20 DER CROSSING FACILITIES.—The Secretary shall make
21 grants to border States for the purposes of connecting,
22 through construction or reconstruction, the National
23 Highway System designated under section 103(b) of title
24 23, United States Code, with Federal border crossing fa-
25 cilities located in the United States in the border region.

1 (c) GRANTS FOR WEIGH-IN-MOTION DEVICES IN
2 MEXICO.—The Secretary shall make grants to assist bor-
3 der States in the purchase, installation, and maintenance
4 of weigh-in-motion devices and associated electronic equip-
5 ment that are to be located in Mexico if real time data
6 from the devices is provided to the nearest United States
7 port of entry and to State commercial vehicle enforcement
8 facilities that serve the port of entry.

9 (d) GRANTS FOR COMMERCIAL VEHICLE ENFORCE-
10 MENT FACILITIES.—The Secretary shall make grants to
11 border States to construct, operate, and maintain commer-
12 cial vehicle enforcement facilities located in the border re-
13 gion.

14 (e) LIMITATIONS ON EXPENDITURES OF FUNDS.—

15 (1) COST SHARING.—A grant under this section
16 shall be used to pay the Federal share of the cost
17 of a project. The Federal share shall be 80 percent.

18 (2) ALLOCATION AMONG STATES.—

19 (A) IN GENERAL.—For each fiscal year,
20 the Secretary shall allocate amounts remaining
21 in the Fund, after any transfers under section
22 5, among border States in accordance with an
23 equitable formula established by the Secretary
24 in accordance with subparagraphs (B) and (C).

1 (B) CONSIDERATIONS.—Subject to sub-
2 paragraph (C), in establishing the formula, the
3 Secretary shall consider—

4 (i) the annual volume of international
5 commercial vehicle traffic at the ports of
6 entry of each border State as compared to
7 the annual volume of international com-
8 mercial vehicle traffic at the ports of entry
9 of all border States, based on the data pro-
10 vided in the most recent report submitted
11 under section 8;

12 (ii) the percentage by which inter-
13 national commercial vehicle traffic in each
14 border State has grown during the period
15 beginning on the date of the enactment of
16 the North American Free Trade Agree-
17 ment Implementation Act (Public Law
18 103–182) as compared to that percentage
19 for each other border State; and

20 (iii) the extent of border transpor-
21 tation improvements carried out by each
22 border State during the period beginning
23 on the date of the enactment of the North
24 American Free Trade Agreement Imple-
25 mentation Act (Public Law 103–182).

1 (C) MINIMUM ALLOCATION.—Each border
2 State shall receive not less than 5 percent of
3 the amounts made available to carry out this
4 section during the period of authorization under
5 subsection (i).

6 (f) ELIGIBILITY FOR REIMBURSEMENT FOR PRE-
7 VIOUSLY COMMENCED PROJECTS.—The Secretary shall
8 make a grant under this section to a border State that
9 reimburses the border State for a project for which con-
10 struction commenced after January 1, 1994, if the project
11 is otherwise eligible for assistance under this section.

12 (g) BORDER TRANSPORTATION INFRASTRUCTURE
13 FUND.—

14 (1) ESTABLISHMENT.—There is established in
15 the Treasury of the United States the Border Trans-
16 portation Infrastructure Fund to be used in carrying
17 out this section, consisting of such amounts as are
18 appropriated to the Fund under subsection (i).

19 (2) EXPENDITURES FROM FUND.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), upon request by the Secretary, the
22 Secretary of the Treasury shall transfer from
23 the Fund to the Secretary of Transportation
24 such amounts as the Secretary of Transpor-
25 tation determines are necessary to make grants

1 under this section and transfers under section
2 5.

3 (B) ADMINISTRATIVE EXPENSES.—An
4 amount not exceeding 1 percent of the amounts
5 in the Fund shall be available for each fiscal
6 year to pay the administrative expenses nec-
7 essary to carry out this section.

8 (h) APPLICABILITY OF TITLE 23.—Title 23, United
9 States Code, shall apply to grants made under this section.

10 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Fund to carry out
12 this section and section 5 \$125,000,000 for each of fiscal
13 years 1999 through 2002. The appropriated amounts shall
14 remain available for obligation until the end of the third
15 fiscal year following the fiscal year for which the amounts
16 are appropriated.

17 **SEC. 5. CONSTRUCTION OF TRANSPORTATION INFRA-**
18 **STRUCTURE FOR LAW ENFORCEMENT PUR-**
19 **POSES.**

20 At the request of the Attorney General, the Secretary
21 may transfer up to \$10,000,000 of the amounts from the
22 Fund for fiscal years 1999 through 2002 to the Attorney
23 General for the construction of transportation infrastruc-
24 ture necessary for law enforcement in border States.

1 **SEC. 6. BORDER INFRASTRUCTURE INNOVATIVE FINANC-**
2 **ING.**

3 (a) PURPOSES.—The purposes of this section are—

4 (1) to encourage the establishment and oper-
5 ation of State infrastructure banks in accordance
6 with section 350 of the National Highway System
7 Designation Act of 1995 (109 Stat. 618; 23 U.S.C.
8 101 note); and

9 (2) to advance transportation infrastructure
10 projects supporting international trade and com-
11 merce.

12 (b) FEDERAL LINE OF CREDIT.—Section 350 of the
13 National Highway System Designation Act of 1995 (109
14 Stat. 618; 23 U.S.C. 101 note) is amended—

15 (1) by redesignating subsection (l) as subsection
16 (m); and

17 (2) by inserting after subsection (k) the follow-
18 ing:

19 “(l) FEDERAL LINE OF CREDIT.—

20 “(1) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated from the gen-
22 eral fund of the Treasury \$100,000,000 to be used
23 by the Secretary to enter into agreements to make
24 lines of credit available to—

25 “(A) border States that have established
26 infrastructure banks under this section; and

1 “(B) the State of New Mexico which has
2 established a border authority that has bonding
3 capacity.

4 “(2) AMOUNT.—The line of credit available to
5 each participating border State shall be equal to the
6 product of—

7 “(A) the amount appropriated under para-
8 graph (1); and

9 “(B) the quotient obtained by dividing—

10 “(i) the contributions of the State to
11 the Highway Trust Fund during the latest
12 fiscal year for which data are available; by

13 “(ii) the total contributions of all par-
14 ticipating border States to the Highway
15 Trust Fund during that fiscal year.

16 “(3) USE OF LINE OF CREDIT.—The line of
17 credit under this subsection shall be available to pro-
18 vide Federal support in accordance with this sub-
19 section for funding agreements with—

20 “(A) a State infrastructure bank engaged
21 in providing credit enhancement to creditworthy
22 eligible public and private multimodal projects
23 that support international trade and commerce
24 in the border region; and

25 “(B) the New Mexico Border Authority;

1 (each referred to in this subsection as a ‘border in-
2 frastructure bank’).

3 “(4) LIMITATIONS.—

4 “(A) IN GENERAL.—A line of credit under
5 this subsection may be drawn on only—

6 “(i) with respect to a completed
7 project described in paragraph (3) that is
8 receiving credit enhancement through a
9 border infrastructure bank;

10 “(ii) when the cash balance available
11 in the border infrastructure bank is insuf-
12 ficient to pay a claim for payment relating
13 to the project; and

14 “(iii) when all subsequent revenues of
15 the project have been pledged to the border
16 infrastructure bank.

17 “(B) THIRD PARTY CREDITOR RIGHTS.—

18 No third party creditor of a public or private
19 entity carrying out a project eligible for assist-
20 ance from a border infrastructure bank shall
21 have any right against the Federal Government
22 with respect to a line of credit under this sub-
23 section, including any guarantee that the pro-
24 ceeds of a line of credit will be available for the
25 payment of any particular cost of the public or

1 private entity that may be financed under this
2 subsection.

3 “(5) INTEREST RATE AND REPAYMENT PE-
4 RIOD.—Any draw on a line of credit under this sub-
5 section shall—

6 “(A) accrue, beginning on the date the
7 draw is made, interest at a rate equal to the
8 current (as of the date the draw is made) mar-
9 ket yield on outstanding, marketable obligations
10 of the United States with maturities of 30
11 years; and

12 “(B) be repaid within a period of not more
13 than 30 years.

14 “(6) RELATIONSHIP TO STATE APPORTION-
15 MENT.—Funds made available to States to carry out
16 this subsection shall be in addition to funds appor-
17 tioned to States under section 104 of title 23, Unit-
18 ed States Code.

19 “(7) DEFINITIONS.—In this subsection, terms
20 ‘border State’ and ‘border region’ have the meaning
21 such terms have under section 3 of the Border In-
22 frastructure Safety and Congestion Relief Act of
23 1996.”.

1 **SEC. 7. RAILROAD REHABILITATION AND IMPROVEMENT**
2 **PROGRAM.**

3 (a) PURPOSE.—The purpose of this section is to pro-
4 vide assistance for freight rail projects in border States
5 that benefit international trade and relieve highways of in-
6 creased traffic resulting from NAFTA.

7 (b) ISSUANCE OF OBLIGATIONS.—The Secretary
8 shall issue to the Secretary of the Treasury notes or other
9 obligations pursuant to section 512 of the Railroad Revi-
10 talization and Regulatory Reform Act of 1976 (45 U.S.C.
11 832), in such amounts, and at such times, as may be nec-
12 essary to—

13 (1) pay any amounts required pursuant to the
14 guarantee of the principal amount of an obligation
15 under section 511 of such Act (45 U.S.C. 831) for
16 any eligible freight rail project described in sub-
17 section (c) during the period that the guaranteed ob-
18 ligation is outstanding; and

19 (2) during the period referred to in paragraph
20 (1), meet the applicable requirements of this section
21 and sections 511 and 513 of such Act (45 U.S.C.
22 832 and 833).

1 (c) ELIGIBILITY.—Assistance provided under this
2 section shall be limited to those freight rail projects lo-
3 cated in the United States that provide intermodal connec-
4 tions that enhance cross-border traffic in the border re-
5 gion.

6 (d) LIMITATION.—Notwithstanding any other provi-
7 sion of law, the aggregate unpaid principal amounts of ob-
8 ligations that may be guaranteed by the Secretary under
9 this section may not exceed \$100,000,000 during any of
10 fiscal years 1999 through 2002.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to make loan guarantees
13 under this section \$10,000,000 for each of fiscal years
14 1999 through 2002.

15 **SEC. 8. REPORT.**

16 (a) IN GENERAL.—The Secretary shall annually sub-
17 mit to Congress and the Governor of each border State
18 a report concerning—

19 (1) the volume and nature of international com-
20 mercial vehicle traffic crossing the border between
21 the United States and Mexico; and

22 (2)(A) the number of international commercial
23 vehicle inspections conducted by each border State
24 at each United States port of entry; and

1 (B) the rate of out-of-service violations of inter-
2 national commercial vehicles found through the in-
3 spections.

4 (b) INFORMATION PROVIDED BY UNITED STATES
5 CUSTOMS SERVICE.—For the purpose of preparing each
6 report under subsection (a)(1), the Commissioner of Cus-
7 toms shall provide to the Secretary such information de-
8 scribed in subsection (a)(1) as the Commissioner has
9 available.

10 **SEC. 9. SENSE OF CONGRESS.**

11 It is the sense of Congress that the programs author-
12 ized under this Act should be fully financed in a budget
13 neutral manner by offsetting receipts derived from cus-
14 toms duties and fees.

○