

105TH CONGRESS  
2D SESSION

# S. 1454

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1998

Referred to the Committee on Transportation and Infrastructure

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## AN ACT

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”.

1 **SEC. 2. ADVANCE AUTHORIZATIONS.**

2 (a) IN GENERAL.—The Secretary of Transportation  
3 (referred to in this Act as the “Secretary”) shall apportion  
4 funds made available under the amendment made by sub-  
5 section (d)—

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

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

19 (b) ELIGIBLE USE OF APPORTIONMENTS.—A State  
20 may obligate funds apportioned under subsection (a) for  
21 any project eligible for assistance under section 133, 149,  
22 402, or 410 of title 23, United States Code, or chapter  
23 311 of title 49, United States Code.

24 (c) REPAYMENT FROM SURFACE TRANSPORTATION  
25 PROGRAM APPORTIONMENT.—The Secretary shall reduce  
26 the amount that would, but for this section, be appor-

tioned to a State under section 104(b)(3) of title 23,  
 United States Code, for fiscal year 1998 under a law reau-  
 thorizing the Federal-aid highway program enacted after  
 the date of enactment of this Act by the amount of any  
 authorization of contract authority provided to a State  
 under subsection (a).

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

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

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

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

4                   “(A) the amount allocated to the State for  
 5                   fiscal year 1997 under section 157 of that title;  
 6                   bears to

7                   “(B) the amounts allocated to all States  
 8                   for fiscal year 1997 under section 157 of that  
 9                   title.

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

14          (e) LIMITATION ON OBLIGATIONS.—

15               (1) IN GENERAL.—Subject to paragraph (2),  
 16               after the date of enactment of this Act, the Sec-  
 17               retary shall allocate to each State an amount of obli-  
 18               gation authority that is—

19                   (A) equal to the greater of—

20                           (i) the State’s unobligated balance of  
 21                           Federal-aid highway apportionments sub-  
 22                           ject to any limitation on obligations; or

23                           (ii) 50 percent of the State’s total fis-  
 24                           cal year 1997 obligation authority for

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

3 (B) not greater than 75 percent of the  
4 State's total fiscal year 1997 obligation author-  
5 ity for funds apportioned for the Federal-aid  
6 highway program.

7 (2) LIMITATION ON AMOUNT.—The total of all  
8 allocations under paragraph (1) shall not exceed  
9 \$9,786,275,000.

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

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

19 (B) REOBLIGATION.—Subparagraph (A)  
20 shall not preclude the reobligation of  
21 deobligated funds.

22 (C) DISTRIBUTION OF REMAINING OBLIGA-  
23 TION AUTHORITY.—Upon enactment of a law  
24 described in subparagraph (A), the Secretary  
25 shall distribute to each State any remaining

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

7 (D) CONTRACT AUTHORITY.—No contract  
8 authority made available to the States prior to  
9 July 1, 1998, shall be obligated after such date  
10 until such time as a multiyear law reauthorizing  
11 the Federal-aid highway program has been en-  
12 acted.

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

22 (g) FUNDING BASELINE.—Notwithstanding section  
23 257 of the Balanced Budget and Emergency Deficit Con-  
24 trol Act of 1985 (2 U.S.C. 907) and the effect of funding  
25 provided under this Act or an amendment made by this

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

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

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

20 (b) TREATMENT OF TRANSFERRED FUNDS.—Any  
 21 funds transferred to another program under subsection (a)  
 22 shall be subject to the provisions of the program to which  
 23 the funds are transferred, except that funds transferred  
 24 to the surface transportation program under section 133  
 25 of title 23, United States Code, other than paragraphs (1)

1 and (2) of section 133(d) of that title, shall not be subject  
2 to section 133(d) of that title.

3 (c) RESTORATION OF APPORTIONMENTS.—

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

12 (2) PROGRAM CATEGORY RECONCILIATION.—

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

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

20 **SEC. 4. ADMINISTRATIVE EXPENSES.**

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

23 (1) AUTHORITY TO BORROW.—

24 (A) FROM UNOBLIGATED FUNDS AVAIL-  
25 ABLE FOR DISCRETIONARY ALLOCATIONS.—If



unobligated balances of funds deducted by the Secretary under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses for fiscal year 1998, the Secretary may borrow not to exceed \$60,000,000 for those expenses from unobligated funds available to the Secretary for discretionary allocations.

(B) REQUIREMENT TO REIMBURSE.—

Funds borrowed under subparagraph (A) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—In addition to funds

made available under paragraph (1), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative and research expenses of the Fed-

1           eral-aid highway program \$151,000,000 for fis-  
2           cal year 1998.

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

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

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

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

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

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

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

Passed the Senate November 7, 1997.

Attest:

GARY SISCO,  
*Secretary.*