

109TH CONGRESS
1ST SESSION

S. 325

To amend title 23, United States Code, to establish programs to facilitate international and interstate trade.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2005

Mr. LEVIN (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to establish programs to facilitate international and interstate trade.

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 “National Highway Bor-
5 ders Act of 2005”.

6 **SEC. 2. COORDINATED BORDER INFRASTRUCTURE PRO-**
7 **GRAM.**

8 Subchapter I of chapter 1 of title 23, United States
9 Code, is amended by adding at the end the following:

1 **“§ 165. Coordinated border infrastructure program**

2 “(a) DEFINITIONS.—In this section:

3 “(1) BORDER REGION.—The term ‘border re-
4 gion’ means the portion of a border State that is lo-
5 cated within 100 kilometers of a land border cross-
6 ing with Canada or Mexico.

7 “(2) BORDER STATE.—The term ‘border State’
8 means any State that has a boundary in common
9 with Canada or Mexico.

10 “(3) COMMERCIAL VEHICLE.—The term ‘com-
11 mercial vehicle’ means a vehicle that is used for the
12 primary purpose of transporting cargo in inter-
13 national or interstate commercial trade.

14 “(4) PASSENGER VEHICLE.—The term ‘pas-
15 senger vehicle’ means a vehicle that is used for the
16 primary purpose of transporting individuals.

17 “(b) PROGRAM.—The Secretary shall establish and
18 implement a coordinated border infrastructure program
19 under which the Secretary shall make allocations to border
20 States for projects within a border region to improve the
21 safe movement of people and goods at or across the border
22 between the United States and Canada and the border be-
23 tween the United States and Mexico.

24 “(c) ELIGIBLE USES.—Allocations to States under
25 this section may only be used in a border region for—

1 “(1) improvements to transportation and sup-
2 porting infrastructure that facilitate cross-border ve-
3 hicle and cargo movements;

4 “(2) construction of highways and related safe-
5 ty and safety enforcement facilities that will facili-
6 tate vehicle and cargo movements relating to inter-
7 national trade;

8 “(3) operational improvements, including im-
9 provements relating to electronic data interchange
10 and use of telecommunications, to expedite cross-
11 border vehicle and cargo movement;

12 “(4) international coordination of planning,
13 programming, and border operation with Canada
14 and Mexico relating to expediting cross-border vehi-
15 cle and cargo movements;

16 “(5) projects in Canada or Mexico proposed by
17 1 or more border States that directly and predomi-
18 nantly facilitate cross-border vehicle and commercial
19 cargo movements at the international gateways or
20 ports of entry into a border region; and

21 “(6) planning and environmental studies.

22 “(d) ALLOCATIONS OF FUNDS.—

23 “(1) IN GENERAL.—For each fiscal year, the
24 Secretary shall allocate among border States, in ac-
25 cordance with the formula described in paragraph

1 (2), funds to be used in accordance with subsection
2 (c).

3 “(2) FORMULA.—Subject to paragraph (3), the
4 amount allocated to a border State under this para-
5 graph shall be determined by the Secretary, as fol-
6 lows:

7 “(A) 25 percent in the ratio that—

8 “(i) the average annual weight of all
9 cargo entering the border State by com-
10 mercial vehicle across the international
11 border with Canada or Mexico, as the case
12 may be; bears to

13 “(ii) the average annual weight of all
14 cargo entering all border States by com-
15 mercial vehicle across the international
16 borders with Canada and Mexico.

17 “(B) 25 percent in the ratio that—

18 “(i) the average trade value of all
19 cargo imported into the border State and
20 all cargo exported from the border State
21 by commercial vehicle across the inter-
22 national border with Canada or Mexico, as
23 the case may be; bears to

24 “(ii) the average trade value of all
25 cargo imported into all border States and

1 all cargo exported from all border States
2 by commercial vehicle across the inter-
3 national borders with Canada and Mexico.

4 “(C) 25 percent in the ratio that—

5 “(i) the number of commercial vehi-
6 cles annually entering the border State
7 across the international border with Can-
8 ada or Mexico, as the case may be; bears
9 to

10 “(ii) the number of all commercial ve-
11 hicles annually entering all border States
12 across the international borders with Can-
13 ada and Mexico.

14 “(D) 25 percent in the ratio that—

15 “(i) the number of passenger vehicles
16 annually entering the border State across
17 the international border with Canada or
18 Mexico, as the case may be; bears to

19 “(ii) the number of all passenger vehi-
20 cles annually entering all border States
21 across the international borders with Can-
22 ada and Mexico.

23 “(3) DATA SOURCE.—

24 “(A) IN GENERAL.—The data used by the
25 Secretary in making allocations under this sub-

1 section shall be based on the Bureau of Trans-
2 portation Statistics Transborder Surface
3 Freight Dataset (or other similar database).

4 “(B) BASIS OF CALCULATION.—All for-
5 mula calculations shall be made using the aver-
6 age values for the most recent 5-year period for
7 which data are available.

8 “(4) MINIMUM ALLOCATION.—Notwithstanding
9 paragraph (2), for each fiscal year, each border
10 State shall receive at least $\frac{1}{2}$ of 1 percent of the
11 funds made available for allocation under this para-
12 graph for the fiscal year.

13 “(e) COST SHARING.—The Federal share of the cost
14 of a project carried out using funds allocated under this
15 section shall not exceed 80 percent.

16 “(f) TRANSFER OF FUNDS TO THE ADMINISTRATOR
17 OF GENERAL SERVICES.—

18 “(1) IN GENERAL.—At the request of a State,
19 funds allocated to the State under this section shall
20 be transferred to the Administrator of General Serv-
21 ices for the purpose of funding a project under the
22 administrative jurisdiction of the Administrator in a
23 border State if the Secretary determines, after con-
24 sultation with the State transportation department,
25 as appropriate, that—

1 “(A) the Administrator should carry out
2 the project; and

3 “(B) the Administrator agrees to use the
4 funds to carry out the project.

5 “(2) NO AUGMENTATION OF APPROPRIA-
6 TIONS.—Funds transferred under paragraph (1)
7 shall not be considered to be an augmentation of the
8 amount of appropriations made to the General Serv-
9 ices Administration.

10 “(3) ADMINISTRATION.—Funds transferred
11 under paragraph (1) shall be administered in accord-
12 ance with the procedures applicable to the General
13 Services Administration, except that the funds shall
14 be available for obligation in the same manner as
15 other funds apportioned under this chapter.

16 “(4) TRANSFER OF OBLIGATION AUTHORITY.—
17 Obligation authority shall be transferred to the Ad-
18 ministrator of General Services in the same manner
19 and amount as funds are transferred for a project
20 under paragraph (1).

21 “(g) FUNDING.—

22 “(1) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated from the
24 Highway Trust Fund (other than the Mass Transit

1 Account) to carry out this section \$200,000,000 for
2 each of fiscal years 2006 through 2011.

3 “(2) OBLIGATION AUTHORITY.—Funds made
4 available to carry out this section shall be available
5 for obligation as if the funds were apportioned in ac-
6 cordance with section 104.

7 “(3) EXCLUSION FROM CALCULATION OF MIN-
8 IMUM GUARANTEE.—The Secretary shall calculate
9 the amounts to be allocated among the States under
10 section 105 without regard to amounts made avail-
11 able to the States under this subsection.”.

12 **SEC. 3. CONFORMING AMENDMENTS.**

13 (a) Section 1101(a) of the Transportation Equity Act
14 for the 21st Century (112 Stat. 111) is amended by strik-
15 ing paragraph (9) and inserting the following:

16 “(9) COORDINATED BORDER INFRASTRUCTURE
17 PROGRAM.—For the coordinated border infrastruc-
18 ture program under section 165 of title 23, United
19 States Code, \$200,000,000 for each of fiscal years
20 2006 through 2011.”.

21 (b) Sections 1118 and 1119 of the Transportation
22 Equity Act for the 21st Century (112 Stat. 161) are re-
23 pealed.

1 (c) The analysis for subchapter I of chapter 1 of title
2 23, United States Code, is amended by inserting after the
3 item relating to section 164 the following:

“165. Coordinated border infrastructure program.”.

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