

**S. 1813, Boxer, Inhofe, Baucus, Vitter #1:**

**A manager's amendment making technical changes to S. 1813, Moving Ahead for Progress in the 21<sup>st</sup> Century Act.**

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

**IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.**

**S. \_\_\_\_\_**

To reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by \_\_\_\_\_

Viz:

1 On page 3, after the item relating to section 1518,

2 insert the following:

“Sec. 1519. Requirements for eligible bridge projects.

3 On page 18, line 6, insert “preservation,” after

4 “maintenance,”.

5 On page 23, line 5, strike “to”.

6 On page 27, strike lines 6 through 12 and insert the

7 following:

1           “(C) Other connector highways (including  
2 toll facilities) that were not included in the Na-  
3 tional Highway System before the date of en-  
4 actment of the MAP-21 but that provide motor  
5 vehicle access between arterial routes on the  
6 National Highway System and a major inter-  
7 modal transportation facility.

8           On page 35, line 20, insert “preservation,” after  
9 “maintenance,”.

10          On page 36, line 8, strike “truck-tractor or” and in-  
11 sert “truck-tractor,”.

12          On page 36, line 11, strike “or”.

13          On page 38, strike line 3 and insert the following:

14          (b) INCLUSION OF CERTAIN ROUTE SEGMENTS ON  
15 INTERSTATE SYSTEM.—

16           (1) IN GENERAL.—Section 1105(e)(5)(A) of the  
17 Intermodal Surface Transportation Efficiency Act of  
18 1991 (105 Stat. 2032; 109 Stat. 597) is amended  
19 by striking “and subsections (c)(18) and (c)(20)”  
20 and inserting “, in subsections (c)(18) and (c)(20),

1 and in subparagraphs (A)(iii) and (B) of subsection  
2 (c)(26)".

3 (2) ROUTE DESIGNATION.—Section  
4 1105(e)(5)(C)(i) of the Intermodal Surface Trans-  
5 portation Efficiency Act of 1991 (105 Stat. 2032;  
6 109 Stat. 598) is amended by adding at the end the  
7 following: "The routes referred to subparagraphs  
8 (A)(iii) and (B)(i) of subsection (c)(26) are des-  
9 ignated as Interstate Route I-11."

10 (c) CONFORMING AMENDMENTS.—

11 On page 50, strike line 12 and insert the following:  
12 "that are transferred under this subsection.

13 "(g) REPORT TO CONGRESS.—For each fiscal year,  
14 the Secretary shall make available to the public, in a user-  
15 friendly format via the Internet, a report that describes—

16 "(1) the amount obligated, by each State, for  
17 Federal-aid highways and highway safety construc-  
18 tion programs during the preceding fiscal year;

19 "(2) the balance, as of the last day of the pre-  
20 ceding fiscal year, of the unobligated apportionment  
21 of each State by fiscal year under this section;

22 "(3) the balance of unobligated sums available  
23 for expenditure at the discretion of the Secretary for  
24 such highways and programs for the fiscal year; and

1           “(4) the rates of obligation of funds appor-  
2           tioned or set aside under this section, according to—  
3                   “(A) program;  
4                   “(B) funding category of subcategory;  
5                   “(C) type of improvement;  
6                   “(D) State; and  
7                   “(E) sub-State geographical area, includ-  
8           ing urbanized and rural areas, on the basis of  
9           the population of each such area.”.

10          On page 51, strike lines 3 through 6 and insert the  
11 following:

12           “(2) to ensure that investments of Federal-aid  
13 funds in highway construction are directed to sup-  
14 port progress toward the achievement of perform-  
15 ance targets for infrastructure condition and per-  
16 formance.

17          On page 57, line 5, insert “and turning lanes” after  
18 “lanes”.

19          On page 57, lines 13 and 14, strike “based on a proc-  
20 ess defined by the Secretary to guide effective investment  
21 decisions”.

1       On page 57, line 23, strike “and, to the maximum  
2 extent practicable, reflect the” and insert “and supporting  
3 the progress toward the achievement of the”.

4       On page 58, lines 5 and 6, strike “highway infra-  
5 structure” and insert “pavement and bridge”.

6       On page 58, line 18, strike “by regulation and”.

7       On page 60, line 3, insert “final” after “promul-  
8 gates”.

9       On page 62, between lines 16 and 17, insert the fol-  
10 lowing:

11           “(9) PROCESS.—Not later than 18 months  
12 after the date of enactment of the MAP-21, the Sec-  
13 retary shall, by regulation and in consultation with  
14 State departments of transportation, establish the  
15 process to develop the State asset management plan  
16 described in paragraph (1) and establish the stand-  
17 ards and measures described in paragraph (4).

18       On page 62, line 22, insert “, excluding bridges on  
19 the Interstate System,” after “System”.

1       On page 63, line 11, strike “except that” and all that  
2 follows through line 15 and insert “except that for each  
3 year after fiscal year 2013, the amount required to be obli-  
4 gated under this clause shall be increased by 2 percent  
5 over the amount required to be obligated in the previous  
6 fiscal year; and”.

7       On page 64, line 8, insert “under subsection  
8 (f)(4)(D)” before the period.

9       Beginning on page 64, strike line 17 and all that fol-  
10 lows through page 65, line 5, and insert the following:

11               “(i) to obligate, from the amounts ap-  
12               portioned to the State under section  
13               104(b)(1), an amount for bridges on the  
14               National Highway System that is not less  
15               than 50 percent of the amount of funds  
16               apportioned to the State for fiscal year  
17               2009 under the highway bridge program  
18               for the purposes described in section 144  
19               (as in effect on the day before the date of  
20               enactment of the MAP-21), except that for  
21               each year after fiscal year 2013, the  
22               amount required to be obligated under this  
23               clause shall be increased by 2 percent over

1                   the amount required to be obligated in the  
2                   previous fiscal year; and

3           On page 65, line 23, insert “under subsection  
4 (f)(4)(D)” after “Secretary”.

5           On page 66, line 8, strike “15” and insert “18”.

6           On page 66, line 9, insert “final” after “promul-  
7 gates”.

8           On page 78, line 5, strike “system” and insert “pro-  
9 gram”.

10          Beginning on page 82, strike line 15 and all that fol-  
11 lows through page 83, line 6, and insert the following:

12                   “(A) PENALTY.—If the total deck area of  
13                   deficient off-system bridges in a State increases  
14                   for the 2 most recent consecutive years, the  
15                   State shall be required, during the following fis-  
16                   cal year, to obligate for the improvement of de-  
17                   ficient off-system bridges from the amounts ap-  
18                   portioned to the State under section 104(b)(2)  
19                   an amount that is not less than 110 percent of  
20                   the amount of funds required to be obligated by



1           the State for off-system bridges for fiscal year  
2           2009 under section 144(f)(2), as in effect on  
3           the day before the date of enactment of the  
4           MAP-21, except that for each year after fiscal  
5           year 2013, the amount required to be obligated  
6           under this subparagraph shall be increased by  
7           2 percent over the amount required to be obli-  
8           gated in the previous fiscal year.

9           On page 84, strike line 14 and insert the following:

10           “Secretary.

11           “(h) ADMINISTRATION.—

12           “(1) SUBMISSION OF PROJECT AGREEMENT.—

13           For each fiscal year, each State shall submit a  
14           project agreement that—

15           “(A) certifies that the State will meet all  
16           the requirements of this section; and

17           “(B) notifies the Secretary of the amount  
18           of obligations needed to carry out the program  
19           under this section.

20           “(2) REQUEST FOR ADJUSTMENTS OF  
21           AMOUNTS.—Each State shall request from the Sec-  
22           retary such adjustments to the amount of obliga-  
23           tions referred to in paragraph (1)(B) as the State  
24           determines to be necessary.

1           “(3) EFFECT OF APPROVAL BY THE SEC-  
2           RETARY.—Approval by the Secretary of a project  
3           agreement under paragraph (1) shall be deemed a  
4           contractual obligation of the United States to pay  
5           transportation mobility program funds made avail-  
6           able under this title.”.

7           On page 85, lines 20 and 21, strike “each fiscal year”  
8           and insert “each of fiscal years 2012 and 2013”.

9           On page 111, line 13, strike “comprehensive”.

10          On page 124, line 5, insert “for projects” after “next  
11          fiscal year”.

12          On page 124, strike lines 11 through 20 and insert  
13          the following:

14                 “(2) RAIL-HIGHWAY GRADE CROSSINGS.—If the  
15                 average number of fatalities at rail-highway grade  
16                 crossings in a State over the most recent 2-year pe-  
17                 riod for which data are available increases over the  
18                 average number of fatalities during the preceding 2-  
19                 year period, that State shall be required to obligate  
20                 in the next fiscal year for projects on rail-highway  
21                 grade crossings an amount equal to 120 percent of

1 the amount of funds the State received for fiscal  
2 year 2009 for rail-highway grade crossings under  
3 section 130(f) (as in effect on the day before the  
4 date of enactment of the MAP-21).

5 On page 130, line 23, strike “advanced”.

6 On page 135, line 7, strike “the apportioned amount”  
7 and insert “the amount apportioned”.

8 Beginning on page 149, strike line 8 and all that fol-  
9 lows through page 151, line 13, and insert the following:  
10 “(D) Planning, designing, or constructing  
11 boulevards and other roadways largely in the  
12 right-of-way of former Interstate System routes  
13 or other divided highways.

14 On page 154, line 6, insert “for” after “50 percent”.

15 On page 165, line 6, strike “or” at the end.

16 On page 165, line 9, insert “or” after the semicolon.

1 On page 165, between lines 9 and 10, insert the fol-  
2 lowing:

3 “(iii) mitigation of the congestion im-  
4 pacts from freight movement;

5 On page 169, line 17, insert “for vehicles” after “sys-  
6 tems”.

7 On page 174, lines 9 and 10, strike “and transport  
8 providers” and insert “, transport providers, and States”.

9 On page 178, line 14, strike “quantifiable”.

10 On page 182, line 22, strike “system” and insert  
11 “highway”.

12 On page 200, strike lines 8 through 13 and insert  
13 the following:

14 “(aa) 50 percent, equal to  
15 the ratio that the amount allo-  
16 cated to each tribe as a tribal  
17 share for fiscal year 2011 bears  
18 to the total tribal share amount  
19 allocated to all tribes for that fis-  
20 cal year; and

1 On page 238, line 15, strike “60” and insert “30”.

2 On page 238, line 23, insert “in which the project  
3 is located” after “State”.

4 On page 241, line 17, strike “injuries,” and insert  
5 “and serious injuries”.

6 On page 242, line 21, insert “under this section”  
7 after “funds”.

8 On page 243, lines 20 and 21, strike the brackets  
9 surrounding “section 10a-d of title 41, United States  
10 Code”.

11 Beginning on page 244, strike line 15 and all that  
12 follows through page 245, line 6, and insert the following:

13 (g) FEDERAL SHARE OF PROJECT COST.—

14 (1) IN GENERAL.—If a project funded under  
15 this section is to construct or improve a privately  
16 owned facility or would primarily benefit a private  
17 entity, the Federal share shall be the lesser of 50  
18 percent of the total project cost or the quantified  
19 public benefit of the project. For all other projects  
20 funded under this section—

1 (A) the Federal share of funds under this  
2 section shall be up to 50 percent of the project  
3 cost; and

4 (B) the project sponsor may use other eli-  
5 gible Federal transportation funds to cover up  
6 to an additional 30 percent of the project costs.

7 (2) PRE-APPROVAL COSTS.—The Secretary may  
8 allow costs incurred prior to project approval to be  
9 used as a credit toward the non-Federal share of the  
10 cost of the project. Such costs must be adequately  
11 documented, necessary, reasonable, and allocable to  
12 the current phase of the project and such costs may  
13 not be included as a cost or used to meet cost-shar-  
14 ing or matching requirements of any other federally-  
15 financed project.

16 On page 245, line 19, strike “system” and insert  
17 “highway”.

18 On page 246, line 8, insert “serious” before “inju-  
19 ries”.

20 Beginning on page 248, strike line 23 and all that  
21 follows through page 249, line 11, and insert the following:

1           “(9) NONMETROPOLITAN PLANNING ORGANIZA-  
2           TION.—The term ‘nonmetropolitan planning organi-  
3           zation’ means an organization that—

4                   “(A) was designated as a metropolitan  
5                   planning organization as of the day before the  
6                   date of enactment of the MAP-21; and

7                   “(B) is not designated as a tier I or tier  
8                   II metropolitan planning organization.

9           On page 249, between lines 22 and 23, insert the fol-  
10          lowing:

11           “(11) RURAL PLANNING ORGANIZATION.—The  
12           term ‘rural planning organization’ means an organi-  
13           zation that—

14                   “(A) was designated as a metropolitan  
15                   planning organization as of the day before the  
16                   date of enactment of the MAP-21; and

17                   “(B) is not designated as a tier I or tier  
18                   II metropolitan planning organization.

19           On page 273, line 8, insert “where applicable,” after  
20          “149(k),”.

21           On page 273, line 22, insert “where applicable,” after  
22          “149(k),”.

1       On page 274, lines 4 and 5, strike “described in this  
2 paragraph into other” and insert “described in other”.

3       On page 274, line 13, strike “plan;” and insert “plan,  
4 where applicable;”.

5       Beginning on page 282, strike line 19 and all that  
6 follows through page 284, line 8 and insert the following:

7           “(3) SCENARIO DEVELOPMENT.—

8           “(A) IN GENERAL.—When preparing the  
9 metropolitan transportation plan, the metropoli-  
10 tan planning organization may, while fitting the  
11 needs and complexity of its community, develop  
12 multiple scenarios for consideration as a part of  
13 the development of the metropolitan transpor-  
14 tation plan, in accordance with subparagraph  
15 (B).

16           “(B) COMPONENTS OF SCENARIOS.—The  
17 scenarios—

18           “(i) shall include potential regional in-  
19 vestment strategies for the planning hori-  
20 zon;

21           “(ii) shall include an assumed dis-  
22 tribution of population and employment;



1           “(iii) may include a scenario that, to  
2           the maximum extent practicable, maintains  
3           baseline conditions for the performance  
4           measures identified in subsection (h)(2);

5           “(iv) may include a scenario that im-  
6           proves the baseline conditions for as many  
7           of the performance measures under sub-  
8           section (h)(2) as possible;

9           “(v) may include a revenue-con-  
10          strained scenario based on total revenues  
11          reasonably expected to be available over  
12          the 20-year planning period and assumed  
13          population and employment; and

14          “(vi) may include estimated costs and  
15          potential revenues available to support  
16          each scenario.

17          “(C) METRICS.—In addition to the per-  
18          formance measures identified in subsection  
19          (h)(2), scenarios developed under this para-  
20          graph may be evaluated using locally-developed  
21          metrics for the following categories:

22                  “(i) Congestion and mobility, includ-  
23                  ing transportation use by mode.

24                  “(ii) Freight movement.

25                  “(iii) Safety.

1                   “(iv) Efficiency and costs to tax-  
2                   payers.

3           On page 301, strike line 24 and insert the following:  
4           January 1, 1997.

5           “(r) SCHEDULE FOR IMPLEMENTATION.—The Sec-  
6           retary shall issue guidance on a schedule for implementa-  
7           tion of the changes made by this section, taking into con-  
8           sideration the established planning update cycle for metro-  
9           politan planning organizations. The Secretary shall not re-  
10          quire a metropolitan planning organization to deviate from  
11          its established planning update cycle to implement  
12          changes made by this section. Metropolitan planning orga-  
13          nizations shall reflect changes made to their transpor-  
14          tation plan or transportation improvement program up-  
15          dates by 2 years after the date of issuance of guidance  
16          by the Secretary.”.

17          On page 304, strike lines 1 through 18 and insert  
18          the following:

19          “(b) COORDINATION AND CONSULTATION.—

20                  “(1) IN GENERAL.—Each State shall—

21                          “(A) coordinate planning carried out under  
22                          this section with—

1           “(i) the transportation planning ac-  
2           tivities carried out under section 134 for  
3           metropolitan areas of the State; and

4           “(ii) statewide trade and economic de-  
5           velopment planning activities and related  
6           multistate planning efforts;

7           “(B) coordinate planning carried out under  
8           this section with the transportation planning  
9           activities carried out by each nonmetropolitan  
10          planning organization in the State, as applica-  
11          ble;

12          “(C) consult on planning carried out under  
13          this section with the transportation planning  
14          activities carried out by each rural planning or-  
15          ganization in the State, as applicable; and

16          “(D) develop the transportation portion of  
17          the State implementation plan as required by  
18          the Clean Air Act (42 U.S.C. 7401 et seq.).

19          On page 309, line 16, strike “149(k),”.

20          On page 310, line 10, insert “and” after the semi-  
21          colon.

22          On page 310, strike lines 11 and 12.

1 On page 310, line 13, strike “(iv)” and insert “(iii)”.

2 On page 337, strike line 2 and insert the following:

3 “seq.) as of January 1, 1997.

4 “(1) SCHEDULE FOR IMPLEMENTATION.—The Sec-  
5 retary shall issue guidance on a schedule for implementa-  
6 tion of the changes made by this section, taking into con-  
7 sideration the established planning update cycle for  
8 States. The Secretary shall not require a State to deviate  
9 from its established planning update cycle to implement  
10 changes made by this section. States shall reflect changes  
11 made to their transportation plan or transportation im-  
12 provement program updates by 2 years after the date of  
13 issuance of guidance by the Secretary.”.

14 On page 417, line 7, insert “, as determined in ac-  
15 cordance with Environmental Protection Agency testing  
16 methods 3052, 6010B, or 6010C” after “lead”.

17 On page 429, lines 22 and 23, strike “subclause (II)”  
18 and insert “subparagraph (B)”.

19 On page 430, line 14, strike “subclause (I)” and in-  
20 sert “subparagraph (A)”.

1       On page 431, lines 22 and 23, strike “subclause (II)”  
2 and insert “subparagraph (B)”.

3       On page 440, lines 13 and 14, strike “\$10,000,000  
4 for each fiscal year” and insert “\$15,000,000 for each of  
5 fiscal years 2012 and 2013”.

6       On page 441, between lines 19 and 20, insert the fol-  
7 lowing:

8           (7) To provide grants to prohibit racial  
9       profiling in accordance with section 1906 of the  
10       SAFETEA-LU (23 U.S.C. 402 note; 119 Stat.  
11       1468).

12       On page 442, line 10, strike “and”.

13       On page 442, lines 23 and 24, strike “[the second  
14 place it appears]” and insert “the second place it ap-  
15 pears”.

16       On page 445, between lines 4 and 5, insert the fol-  
17 lowing:

18       (d) CERTAIN ALLOCATIONS.—Notwithstanding any  
19 other provision of law, any unobligated balances of  
20 amounts required to be allocated to a State by the fol-

1 lowing sections shall instead be made available to such  
2 State for any purpose eligible under section 133(c) of title  
3 23, United States Code:

4 (1) Section 1307(d)(1) of the SAFETEA-LU  
5 (23 U.S.C. 322 note; 119 Stat. 1217; 122 Stat.  
6 1577).

7 (2) The project described in item 1866 in the  
8 table contained in section 1702 of the SAFETEA-  
9 LU (119 Stat. 1329).

10 On page 446, after line 24, add the following:

11 **SEC. 1519. REQUIREMENTS FOR ELIGIBLE BRIDGE**  
12 **PROJECTS.**

13 (a) **DEFINITIONS.**—In this section:

14 (1) **ELIGIBLE BRIDGE PROJECT.**—The term  
15 “eligible bridge project” means a project for con-  
16 struction, alteration, or repair work on a bridge or  
17 overpass funded directly by, or provided other assist-  
18 ance through, the Federal Government.

19 (2) **QUALIFIED TRAINING PROGRAM.**—The term  
20 “qualified training program” means a training pro-  
21 gram that—

22 (A)(i) is certified by the Secretary of  
23 Labor; and

1           (ii) with respect to an eligible bridge  
2 project located in an area in which the Sec-  
3 retary of Labor determines that a training pro-  
4 gram does not exist, is registered with—

5                   (I) the Department of Labor; or

6                   (II) a State agency recognized by the  
7 Department of Labor for purposes of a  
8 Federal training program; or

9           (B) is a corrosion control, mitigation and  
10 prevention personnel training program that is  
11 offered by an organization whose standards are  
12 recognized and adopted in other Federal or  
13 State Departments of Transportation.

14           (3) SECRETARY.—The term “Secretary” means  
15 the Secretary of Transportation.

16           (b) ELIGIBILITY REQUIREMENTS.—

17                   (1) IN GENERAL.—Each contractor and subcon-  
18 tractor that carries out any aspect of an eligible  
19 bridge project described in paragraph (2) shall—

20                           (A) before entering into the applicable con-  
21 tract, be certified by the Secretary or a State,  
22 in accordance with paragraph (4), as meeting  
23 the eligibility requirements described in para-  
24 graph (3); and

1 (B) remain certified as described in sub-  
2 paragraph (A) while carrying out the applicable  
3 aspect of the eligible bridge project.

4 (2) DESCRIPTION OF ASPECTS OF ELIGIBLE  
5 BRIDGE PROJECTS.—An aspect of an eligible bridge  
6 project referred to in paragraph (1) is—

7 (A) surface preparation or coating applica-  
8 tion on bridge steel of an eligible bridge project;

9 (B) removal of a lead-based or other haz-  
10 arduous coating from bridge steel of an existing  
11 eligible bridge project;

12 (C) shop painting of structural steel fab-  
13 ricated for installation on bridge steel of an eli-  
14 gible bridge project; and

15 (D) the design, application, installation,  
16 and maintenance of a cathodic protection sys-  
17 tem.

18 (3) REQUIREMENTS.—The eligibility require-  
19 ments referred to in paragraph (1) are that a con-  
20 tractor or subcontractor shall—

21 (A) as determined by the Secretary—

22 (i) use corrosion mitigation and pre-  
23 vention methods to preserve relevant  
24 bridges and overpasses, taking into ac-  
25 count—



24

- 1 (I) material selection;
- 2 (II) coating considerations;
- 3 (III) cathodic protection consid-
- 4 erations;
- 5 (IV) design considerations for
- 6 corrosion; and
- 7 (V) trained applicators;
- 8 (ii) use best practices—
- 9 (I) to prevent environmental deg-
- 10 radation; and
- 11 (II) to ensure careful handling of
- 12 all hazardous materials; and
- 13 (iii) demonstrate a history of employ-
- 14 ing industry-respected inspectors to ensure
- 15 funds are used in the interest of affected
- 16 taxpayers; and
- 17 (B) demonstrate a history of compliance
- 18 with applicable requirements of the Occupa-
- 19 tional Safety and Health Administration, as de-
- 20 termined by the Secretary of Labor.
- 21 (4) STATE CONSULTATION.—In determining
- 22 whether to certify a contractor or subcontractor
- 23 under paragraph (1)(A), a State shall consult with
- 24 engineers and other experts trained in accordance

1 with subsection (a)(2) specializing in corrosion con-  
2 trol, mitigation, and prevention methods.

3 (c) OPTIONAL TRAINING PROGRAM.—As a condition  
4 of entering into a contract for an eligible bridge project,  
5 each contractor and subcontractor that performs construc-  
6 tion, alteration, or repair work on a bridge or overpass  
7 for the eligible bridge project may provide, or make avail-  
8 able, training, through a qualified training program, for  
9 each applicable craft or trade classification of employees  
10 that the contractor or subcontractor intends to employ to  
11 carry out aspects of eligible bridge projects as described  
12 in subsection (b)(2).

13 On page 472, line 23, insert “and economic develop-  
14 ment” after “transportation”.

15 On page 474, line 14, insert “economic develop-  
16 ment,” after “water infrastructure,”.

17 On page 478, line 19, insert “the Secretary” after  
18 “and”.

19 On page 479, line 8, insert “a” before “motor”.

1       Beginning on page 493, strike line 8 and all that fol-  
2 lows through page 494, line 19 and insert the following:

3       “(h) CENTERS FOR SURFACE TRANSPORTATION EX-  
4 CELLENCE.—”.

5       On page 496, line 6, strike “Not less” and insert  
6 “FUNDS.—Not less”.

7       On page 496, line 10, strike “Funds” and insert  
8 “TREATMENT OF FUNDS.—Funds”.

9       On page 504, lines 15 and 16, strike “and for which  
10 the requirements of subparagraph” and insert “. The re-  
11 quirements of subsection”.

12       On page 538, line 14, strike “and public service utili-  
13 ties” and insert “public service utilities,”.

14       On page 568, line 21, strike “clauses (ii) and” and  
15 insert “clause”.

16       On page 571, line 24, insert “non-Federal funds or”  
17 after “use”.

1 On page 573, line 20, strike “or”.

2 On page 573, between lines 20 and 21, insert the fol-  
3 lowing:

4 “(C) to refinance existing loan agreements  
5 for rural infrastructure projects; or

6 On page 573, line 21, strike “(C)” and insert “(D)”.

7 On page 577, line 6, strike “subparagraphs (B) and  
8 (C)” and insert “subparagraph (B)”.

9 On page 590, line 14, strike “for” and insert “in”.

10 Beginning on page 593, strike line 14 and all that  
11 follows through page 595, line 15 and insert the following:

12 “(a) SOLVENCY CALCULATION FOR FISCAL YEAR  
13 2012.—

14 “(1) ADJUSTMENT OF OBLIGATION LIMITA-  
15 TION.—Not later than 60 days after the date of en-  
16 actment of the MAP-21, the Secretary, in consulta-  
17 tion with the Secretary of Treasury, shall:

18 “(A) Estimate the balance of the Highway  
19 Trust Fund (other than the Mass Transit Ac-  
20 count) at the end of fiscal years 2012 and

1           2013. For purposes of which estimation, the  
2           Secretary shall assume that the obligation limi-  
3           tation on Federal-aid highways and highway  
4           safety construction programs will be equal to  
5           the obligation limitations enacted for those fis-  
6           cal years in the MAP-21.

7           “(B) Determine if the estimated balance of  
8           the Highway Trust Fund (other than the Mass  
9           Transit Account) would fall below—

10                   “(i) \$2,000,000,000 at the end of fis-  
11                   cal year 2012; or

12                   “(ii) \$1,000,000,000 at the end of fis-  
13                   cal year 2013.

14           “(C) If either of the conditions in subpara-  
15           graph (B) would occur, calculate the amount by  
16           which the fiscal year 2012 obligation limitation  
17           must be reduced to prevent such occurrence.  
18           For purposes of this calculation, the Secretary  
19           shall assume that the obligation limitation on  
20           Federal-aid highways and highway safety con-  
21           struction programs for the fiscal year 2013 will  
22           be equal to the obligation limitation for fiscal  
23           year 2012, as reduced pursuant to this sub-  
24           paragraph.

1           “(D) Adjust the distribution of the fiscal  
2 year 2012 obligation limitation to reflect any  
3 reduction determined under subparagraph (C).

4           “(2) LAPSE AND RESCISSION.—

5           “(A) LAPSE OF OBLIGATION LIMITA-  
6 TION.—Any obligation limitation that is with-  
7 drawn by the Secretary pursuant to paragraph  
8 (1)(D) shall lapse immediately following the ad-  
9 justment of obligation limitation under such  
10 paragraph.

11           “(B) RESCISSION OF CONTRACT AUTHORITY.—Upon the lapse of any obligation limita-  
12 tion under subparagraph (A), the Secretary  
13 shall reduce proportionately the amount author-  
14 ized to be appropriated from the Highway  
15 Trust Fund (other than the Mass Transit Ac-  
16 count) for fiscal year 2012 to carry out each of  
17 the Federal-aid highway and highway safety  
18 construction programs (other than emergency  
19 relief and funds under the national highway  
20 performance program that are exempt from the  
21 fiscal year 2012 obligation limitation) by an ag-  
22 gregate amount equal to the amount of adjust-  
23 ment determined pursuant to paragraph (1)(D).  
24

1           The amounts withdrawn pursuant to this sub-  
2           paragraph are permanently rescinded.

3           On page 596, line 6, strike "is" and insert "will be".

4           On page 598, line 5, strike "paragraph" and insert  
5 "clause".

6           On page 598, line 16, strike "subparagraph" and in-  
7 sert "clause".

8           On page 599, line 14, insert "subsection (a) and"  
9 after "in".