

S. 2322, Amendment Boxer, Vitter, Carper, Barrasso #1

A manager's amendment making technical changes to S. 2322, the MAP-21 Reauthorization Act.

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

Purpose: To make technical changes.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

**S. 2322**

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 Mrs. BOXER (for herself, Mr. VITTER, Mr. CARPER, and Mr. BARRASSO)

Viz:

1 On page 24, line 8, strike “signalization,” and insert  
2 “signalization”.

3 On page 25, strike lines 10 through 12, and insert  
4 the following:

5 “(27) Transportation research activities, includ-  
6 ing university transportation centers, under chapter  
7 55 of title 49.

8 “(28) Maintenance of and improvements to all  
9 public roads, including non-State-owned public roads  
10 and roads on tribal land—

1           “(A) that are located within 10 miles of  
2           the international border between the United  
3           States and Canada or Mexico; and

4           “(B) on which federally owned vehicles  
5           comprise more than 50 percent of the traffic.”.

6           On page 40, line 18, insert “of” before “a ferry  
7           boat”.

8           On page 41, strike lines 6 through 14, and insert the  
9           following:

10       **SEC. 1112. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

11       Section 148 of title 23, United States Code, is  
12       amended—

13           (1) in subsection (a)(4)(B)—

14               (A) in the matter preceding clause (i), by  
15               striking “, but is not limited to,”; and

16               (B) by adding at the end the following:

17                   “(xxv) An infrastructure safety  
18                   project not described in clauses (i) through  
19                   (xxiv).”; and

20           (2) in subsection (g)(1)—

21               (A) by striking “increases” and inserting  
22               “does not decrease”;

1 (B) by inserting “and exceeds the national  
2 fatality rate on rural roads,” after “available,”;  
3 and

4 (C) by striking “200 percent” and insert-  
5 ing “150 percent”.

6 On page 45, line 22, insert “movement” after  
7 “freight”.

8 On page 46, line 15, insert “, including designated  
9 future Interstate System routes as of the date of enact-  
10 ment of the MAP-21 Reauthorization Act” after “net-  
11 work”.

12 On page 52, line 1, insert “the” before “Interstate”.

13 On page 52, line 9, insert “or forestry” after “agri-  
14 cultural”.

15 On page 59, lines 20 through 22, strike “how the  
16 project is consistent with the freight investment plan in-  
17 cluded in the freight plan of the State” and insert “how  
18 the project is consistent with a freight investment plan in-  
19 cluded in a freight plan of the State that is in effect”.

1       On page 61, line 2, insert “movement” after  
2 “freight”.

3       On page 61, line 4, insert “movement” after  
4 “freight”.

5       On page 70, line 10, insert “and” after the semicolon.

6       On page 70, line 17, strike “; and” and insert a pe-  
7 riod.

8       Beginning on page 70, strike line 18 and all that fol-  
9 lows through page 71, line 2.

10       On page 75, between lines 17 and 18, insert the fol-  
11 lowing:

12               “(5) TIFIA PROGRAM.—The Secretary may use  
13 funds made available for a fiscal year to carry out  
14 this section for the purpose of paying the subsidy  
15 amount (as defined in section 601(a)) and adminis-  
16 trative costs of projects eligible for Federal credit  
17 assistance under chapter 6, if the Secretary deter-  
18 mines that the unobligated balances of amounts  
19 made available to carry out the TIFIA program (as

1 defined in section 601(a)) are insufficient to meet  
2 the needs of the TIFIA program for that fiscal year.

3 Beginning on page 80, strike line 16 and all that fol-  
4 lows through page 81, line 14, and insert the following:

5 “(h) ANNUAL REPORTS.—

6 “(1) IN GENERAL.—Each State or metropolitan  
7 planning organization responsible for carrying out  
8 the requirements under this section shall submit to  
9 the Secretary an annual report describing—

10 “(A) the number of project applications re-  
11 ceived for each fiscal year, including—

12 “(i) the estimated cost of each project  
13 for which an application is received;

14 “(ii) the aggregate cost of the projects  
15 for which applications are received;

16 “(iii) for each project, the proposed  
17 cost share of the project sponsor; and

18 “(iv) for each project, identification of  
19 the type of project to be carried out, as de-  
20 scribed in subsection (b); and

21 “(B) the number of projects selected for  
22 funding for each fiscal year, including—

23 “(i) the cost of each selected project;

1                   “(ii) the cost share for each selected  
2                   project;

3                   “(iii) the type of each selected project,  
4                   as described in subsection (b); and

5                   “(iv) the aggregate cost of projects se-  
6                   lected.

7                   “(2) PUBLIC AVAILABILITY.—The Secretary  
8                   shall make available to the public in a user-friendly  
9                   format on the website of the Department a copy of  
10                  each annual report submitted under paragraph (1).

11                 On page 98, line 24, strike “regularly” and insert  
12                 “every 90 days”.

13                 On page 99, line 2, insert “, of the current year”  
14                 after “practicable”.

15                 On page 99, line 23, insert “or current” after “pre-  
16                 ceding”.

17                 On page 100, line 8, insert “current” after “the”.

18                 On page 100, line 11, insert “and current” after  
19                 “preceding”.

1       On page 100, line 13, insert “and current” after  
2 “preceding”.

3       On page 100, line 18, insert “and current” after  
4 “preceding”.

5       On page 101, strike lines 4 through 8, and insert the  
6 following:

7                       “(IV) ownership of the highway  
8                       or bridge;

9                       “(V) State; and

10                      “(VI) sub-State geographical  
11                      area, including urbanized and rural  
12                      areas, on the basis of the population  
13                      of each such area;

14                      “(viii) the amount of apportioned  
15                      funds transferred by each State under sec-  
16                      tion 126; and

17       On page 101, line 9, strike “(viii)” and insert “(ix)”.

18       On page 101, line 14, insert “and current” after  
19 “preceding”.

20       On page 120, line 18, strike “and”.

1       On page 129, line 19, insert “under this chapter”  
2 after “year”.

3       On page 130, line 17, strike “paragraph (5)” and in-  
4 sert “paragraph (6) (as redesignated by section  
5 2003(b)(1))”.

6       On page 138, lines 23 and 24, strike “Subject to sub-  
7 paragraph (B), a” and insert “A”.

S. 2322, Modification to Amendment Booker #1

Strike all and replace with the following:

On page 43, after line 22, insert the following:

(4) in subsection (k), by adding at the end the following:

“(3) PORT OWNED OR OPERATED EQUIPMENT AND VEHICLES.—In order to meet the requirements of paragraph (1), a State or metropolitan planning organization may elect to obligate funds to the most cost-effective projects to reduce emissions from port owned or operated landside nonroad or on-road equipment that is operated within the boundaries of port property within a PM2.5 nonattainment or maintenance area.”.

**CARDIN #2**

**SUMMARY: technical corrections to federal cost share requirements for the Appalachian Development Highway System.**

FLO14304  
~~ARP 14052~~

*Y. Cantel*  
S.L.C.

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To express the sense of the Senate regarding timely completion of the Appalachian development highway system.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

**S. 2322**

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

Referred to the Committee on EPW and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Cardin for Wicker

Viz:

1 At the end, add the following:

2 **TITLE IV—MISCELLANEOUS**

3 **SEC. 4001. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**  
4 **TEM.**

5 (a) SENSE OF SENATE.—It is the sense of the Senate  
6 that the timely completion of the Appalachian development  
7 highway system is a transportation priority in the national  
8 interest.

9 (b) MODIFIED FEDERAL SHARE FOR PROJECTS ON  
10 ADHS.—For each of fiscal years 2015 through 2050, the  
11 Federal share payable for the cost of constructing high-

1 ways and access roads on the Appalachian development  
2 highway system under section 14501 of title 40, United  
3 States Code, with funds made available to a State for fis-  
4 cal year 2014 or a previous fiscal year for the Appalachian  
5 development highway system program, or with funds made  
6 available for fiscal year 2014 or a previous fiscal year for  
7 a specific project, route, or corridor on that system, shall  
8 be up to 100 percent, as determined by the State.

9 (c) FEDERAL SHARE FOR OTHER FUNDS USED ON  
10 ADHS.—For each of fiscal years 2015 through 2050, the  
11 Federal share payable for the cost of constructing high-  
12 ways and access roads on the Appalachian development  
13 highway system under section 14501 of title 40, United  
14 States Code, with Federal funds apportioned to a State  
15 for a program other than the Appalachian development  
16 highway system program shall be up to 100 percent, as  
17 determined by the State.

18 (d) COMPLETION PLAN.—

19 (1) IN GENERAL.—Subject to paragraph (2),  
20 not later than 1 year after the date of enactment of  
21 this Act, each State represented on the Appalachian  
22 Regional Commission shall establish a plan for the  
23 completion of the designated corridors of the Appa-  
24 lachian development highway system within the

1 State, including annual performance targets, with a  
2 target completion date.

3 (2) SIGNIFICANT UNCOMPLETED MILES.—If the  
4 percentage of remaining Appalachian development  
5 highway system needs for a State, according to the  
6 latest cost to complete estimate for the Appalachian  
7 development highway system, is greater than 15 per-  
8 cent of the total cost to complete estimate for the  
9 entire Appalachian development highway system, the  
10 State shall not establish a plan under paragraph (1)  
11 that would result in a reduction of obligated funds  
12 for the Appalachian development highway system  
13 within the State for any subsequent fiscal year.

CARDIN #3 *as modified*

SUMMARY: Amends Section 14703 of Title 40 to authorize funding for the non-highway programs of the Appalachian Regional Commission of ~~\$80.317 million for fiscal year 2014 (the level appropriated for that year) and such sums as may be necessary annually for fiscal years 2015 through 2018.~~

*Bar Cl.*  
S.L.C.

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

Purpose: To reauthorize and improve the Appalachian regional development program.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

**S. 2322**

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

Referred to the Committee on EPW and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Cardin for Wicker, Gillibrand

Viz:

1 At the end, add the following:

2 **TITLE IV—MISCELLANEOUS**

3 **SEC. 4001. APPALACHIAN REGIONAL DEVELOPMENT PRO-**

4 **GRAM.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Section

6 14703 of title 40, United States Code, is amended by

7 ~~striking~~ <sup>in</sup> subsection (a) <sup>(5)</sup> and inserting the following: *by striking "fiscal year 2012"*

8 ~~"(a) IN GENERAL. In addition to amounts made~~ *and inserting*  
9 ~~available under section 14501 and any other amounts~~ *"each of fiscal*  
10 ~~made available for the Appalachian development highway~~ *years 2012 through*  
11 ~~system program under any other provision of law, there~~ *2018".*

1 ~~are authorized to be appropriated to the Appalachian Re-~~  
2 ~~gional Commission to carry out this subtitle~~

3 ~~“(1) \$80,317,000 for fiscal year 2014; and~~

4 ~~“(2) such sums as are necessary for each of fis-~~  
5 ~~cal years 2015 through 2018.”~~

6 (b) TERMINATION.—Section 14704 of title 40,  
7 United States Code, is amended by striking “2012” and  
8 inserting “2018”.

9 (c) EFFECTIVE DATE.—This section and the amend-  
10 ments made by this section take effect on October 1, 2014.

Gillibrand Amendment #2 *as modified*

This Amendment ~~eliminates~~ the 10% cap on the amount of NHPP funding states can use for non-NHS bridges. *modifies*

*Kirsten Gillibrand*  
S.L.C.

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

Purpose: To modify a provision relating to the national highway performance program.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

**S. 2322**

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

AMENDMENT intended to be proposed by Mrs. GILLIBRAND

Viz:

- 1 ~~Beginning on page 23, line 24, strike “, except” and~~
- 2 ~~all that follows through “purpose” on page 24, line 2.~~

*On page 23, line 25, strike “10 percent” and insert “15 percent”.*

S.2322, Inhofe #1 *as modified*

**High Occupancy Vehicle Facilities**

This amendment would add "alternative fueled vehicles" to the definition of "low emission and energy-efficient vehicles" to the occupancy requirements for HOV lanes.

S. 2322, Inhofe #1

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

Purpose: To clarify a provision relating to inherently low emission vehicles.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

(no.) \_\_\_\_\_

(title) \_\_\_\_\_

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

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 On page \_\_, between lines \_\_ and \_\_, insert the fol-

2 lowing:

3 SEC. \_\_\_\_\_ . HOV FACILITIES.

4 Section 166 of title 23, United States Code, is

5 amended—

6 (1) in subsection (b)(5) by striking subpara-  
7 graph (A) and inserting the following:

8 “(A) INHERENTLY LOW EMISSION VEHI-  
9 CLES.—If a State agency establishes procedures  
10 for enforcing the restrictions on the use of an  
11 HOV facility by vehicles listed in clauses (i) and

1 (ii), the State agency may allow the use of the  
2 HOV facility by—

3 “(i) alternative fuel vehicles; and

4 “(ii) ~~new qualified plug-in electric~~  
5 ~~drive-meter~~ <sup>any</sup> vehicles (as defined in section

6 30D(d)(1) of the Internal Revenue Code of  
7 1986).”; and

8 (2) in subparagraph (f)(1), by inserting “sole-  
9 ly” before “operating”.

S.2322, Inhofe #3

**Advanced design/alternative bid**

Adds alternative design/alternative bid as an eligibility in Sec.120(c)(3)(A)(iii) of title 23.

*Inhofe*  
 AMENDMENT NO. 3 Calendar No. \_\_\_\_\_

Purpose: To modify a provision relating to Federal share payable.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

**S. 2322**

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

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 Beginning on page 24, strike line 16 and all that fol-  
 2 lows through page 25, line 3, and insert the following:

3 (2) in paragraph (3)—

4 (A) in subparagraph (A)(ii)—

5 (i) by inserting “engineering, or de-  
 6 sign approaches,” after “technologies,”;

7 and

8 (ii) by striking “or contracting” and  
 9 inserting “or contracting or project deliv-  
 10 ery”; and

11 (B) in subparagraph (B)—

1 (i) in clause (iii) by inserting “and al-  
2 ternative design or alternative bid” before  
3 the semicolon at the end;

4 (ii) in clause (iv) by striking “or”;

5 (iii) in clause (v) by striking the pe-  
6 riod at the end and inserting “; or”; and

7 (iv) by adding at the end the fol-  
8 lowing:

9 “(vi) contracts for engineering and de-  
10 sign services as described in section  
11 112(b)(2).”.

S. 2322, Modification to Amendment Inhofe #5

Strike all and replace with the following:

On page 4, line 10, strike "\$1,000,000,000" and insert "\$750,000,000".

On page 5, line 23, insert "out of the Highway Trust Fund (other than the Mass Transit Account)" after "appropriated".

On page 6, line 3, strike "\$115,000,000" and insert "\$57,800,000".

On page 6, line 9, strike "\$62,500,000" and insert "\$31,400,000".

On page 6, line 13, strike "\$24,000,000" and insert "\$12,100,000".

On page 6, line 19, strike "\$100,000,000" and insert "\$50,200,000".

On page 7, after line 10, insert the following:

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by paragraph (1) shall—

(A) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act) or otherwise determined by the Secretary;

(B) remain available until expended; and

(C) not be transferable.

On page 15, strike lines 8 through 11, and insert the following:

(1) not distribute obligation authority provided by subsection (a) for the fiscal year for—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

On page 18, after line 18, insert the following:

(e) Applicability of Obligation Limitations to Transportation Research Programs.—

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under chapter 5 of title 23, United States Code.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

On page 18, line 19, strike "(e)" and insert "(f)".

S. 2322 – Sanders Amendment #3

**Summary:** Requires the Secretary to map out a national network of electric vehicle corridors and recharging stations within one year.

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

Purpose: To require the Secretary to develop a potential network of electric vehicle corridors and recharging stations.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**

(no.) \_\_\_\_\_

(title) \_\_\_\_\_

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

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 On page \_\_, between lines \_\_ and \_\_, insert the fol-  
2 lowing:  
3 **SEC. \_\_\_\_\_. NATIONAL ELECTRONIC VEHICLE COR-**  
4 **RIDORS AND RECHARGING INFRASTRUC-**  
5 **TURE NETWORK.**

6 (a) IN GENERAL.—Not later than 1 year after the  
7 date of enactment of this Act, the Secretary shall establish  
8 a stakeholder-driven process to develop a plan and map  
9 of a potential national network of electric vehicle corridors  
10 and recharging infrastructure.

11 (b) REQUIREMENTS.—The plan under subsection (a)  
12 shall—



- 1 (4) such other stakeholders as the Secretary de-
- 2 termines to be necessary.

**S. 2322- Sanders Amendment #10**

**Summary: To increase the population density requirement for designation as a rural State under the projects of national or regional significance program.**

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

Purpose: To increase the population density requirement for designation as a rural State under the projects of national or regional significance program.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

**S. 2322**

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

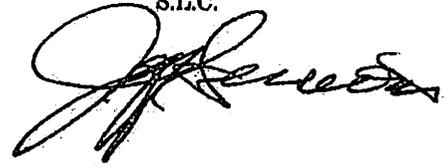
AMENDMENTS intended to be proposed by \_\_\_\_\_

Viz:

- 1 On page 69, line 17, strike "50" and insert "75".
  
- 2 On page 71, line 8, strike "50" and insert "75".

Sessions Amendment No. 1 to S. 2322 *as modified*

To ensure the solvency of the Highway Trust Fund.



AMENDMENT NO. 1 Calendar No. \_\_\_\_\_

Purpose: To ensure the solvency of the Highway Account of the Highway Trust Fund.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

**S. 2322**

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

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 At the end of the bill, add the following:

2 **TITLE IV—HIGHWAY SPENDING**  
3 **CONTROLS**

4 **SEC. 4001. HIGHWAY SPENDING CONTROLS.**

5 (a) IN GENERAL.—Title 23, United States Code, is  
6 amended by adding at the end the following:

CHAPTER 7—HIGHWAY SPENDING CONTROLS

Sec.

701. Solvency of Highway Account of the Highway Trust Fund.

7 **“§ 701. Solvency of Highway Account of the Highway**  
8 **Trust Fund**

9 **“(a) SOLVENCY CALCULATION FOR FISCAL YEAR**  
10 **2015.—**

1           “(1) IN GENERAL.—Not later than 60 days  
2 after the date of enactment of the MAP-21 Reau-  
3 thorization Act, the Secretary, in consultation with  
4 the Secretary of the Treasury, shall—

5           “(A) estimate the balance of the Highway  
6 Trust Fund (other than the Mass Transit Ac-  
7 count) at the end of that fiscal year and the  
8 end of the next fiscal year, for purposes of  
9 which estimation the Secretary shall assume  
10 that the obligation limitation on Federal-aid  
11 highways and highway safety construction pro-  
12 grams is equal to the obligation limitations en-  
13 acted for those fiscal years in the MAP-21 Re-  
14 authorization Act;

15           “(B) determine if the estimated balance of  
16 the Highway Trust Fund (other than the Mass  
17 Transit Account) would fall below—

18           “(i) \$2,000,000,000 at the end of the  
19 fiscal year for which the obligation limita-  
20 tion is being distributed; or

21           “(ii) \$1,000,000,000 at the end of the  
22 next fiscal year;

23           “(C) if either of the conditions described in  
24 subparagraph (B) would occur, calculate the  
25 amount by which the obligation limitation in

1 the fiscal year for which the obligation limita-  
2 tion is being distributed must be reduced to  
3 prevent that occurrence, for purposes of which  
4 calculation the Secretary shall assume that the  
5 obligation limitation on Federal-aid highways  
6 and highway safety construction programs for  
7 the next fiscal year is equal to the obligation  
8 limitation for the fiscal year for which the limi-  
9 tation is being distributed as reduced pursuant  
10 to this subparagraph;

11 “(D) distribute such obligation limitation,  
12 less any amount determined under subpara-  
13 graph (C);

14 “(E) ensure that any obligation limitation  
15 that is withheld from distribution pursuant to  
16 subparagraph (C) shall lapse immediately fol-  
17 lowing the distribution of obligation limitation  
18 under subparagraph (D); and

19 “(F) upon the lapse of any obligation limi-  
20 tation under subparagraph (E), reduce propor-  
21 tionately the amount of sums authorized to be  
22 appropriated from the Highway Trust Fund  
23 (other than the Mass Transit Account) for that  
24 fiscal year to carry out each of the Federal-aid  
25 highway and highway safety construction pro-

1           grams (other than emergency relief) by an ag-  
 2           gregate amount equal to the amount deter-  
 3           mined pursuant to that subparagraph.

*and funds under  
 the national  
 highway performance  
 program that are  
 exempt from the  
 obligation limitation  
 being distributed*

4           “(2) ADMINISTRATION.—The amounts withheld  
 5           pursuant to paragraph (1) are permanently re-  
 6           scinded.

7           “(b) SOLVENCY CALCULATION FOR FISCAL YEAR  
 8           2016 AND SUBSEQUENT FISCAL YEARS.—

9           “(1) ADJUSTMENT OF OBLIGATION LIMITA-  
 10          TION.—In distributing the obligation limitation on  
 11          Federal-aid highways and highway safety construc-  
 12          tion programs for fiscal year 2016 and each fiscal  
 13          year thereafter, the Secretary shall—

14               “(A) estimate the balance of the Highway  
 15          Trust Fund (other than the Mass Transit Ac-  
 16          count) at the end of that fiscal year and the  
 17          end of the next fiscal year, for purposes of  
 18          which estimation, the Secretary shall assume  
 19          that the obligation limitation on Federal-aid  
 20          highways and highway safety construction pro-  
 21          grams for the next fiscal year is equal to the  
 22          obligation limitation enacted for the fiscal year  
 23          for which the limitation is being distributed;

1           “(B) determine if the estimated balance of  
2           the Highway Trust Fund (other than the Mass  
3           Transit Account) would fall below—

4                   “(i) \$2,000,000,000 at the end of the  
5                   fiscal year for which the obligation limita-  
6                   tion is being distributed; or

7                   “(ii) \$1,000,000,000 at the end of the  
8                   next fiscal year;

9           “(C) if either of the conditions described in  
10           subparagraph (B) would occur, calculate the  
11           amount by which the obligation limitation in  
12           the fiscal year for which the obligation limita-  
13           tion is being distributed must be reduced to  
14           prevent that occurrence, for purposes of which  
15           calculation the Secretary shall assume that the  
16           obligation limitation on Federal-aid highways  
17           and highway safety construction programs for  
18           the next fiscal year is equal to the obligation  
19           limitation for the fiscal year for which the limi-  
20           tation is being distributed as reduced pursuant  
21           to this subparagraph;

22                   “(D) distribute such obligation limitation,  
23                   less any amount determined under subpara-  
24                   graph (C);

1           “(E) ensure that any obligation limitation  
2           that is withheld from distribution pursuant to  
3           subparagraph (C) shall lapse immediately fol-  
4           lowing the distribution of obligation limitation  
5           under subparagraph (D); and

6           “(F) upon the lapse of any obligation limi-  
7           tation under subparagraph (E), reduce propor-  
8           tionately the amount of sums authorized to be  
9           appropriated from the Highway Trust Fund  
10          (other than the Mass Transit Account) for that  
11          fiscal year to carry out each of the Federal-aid  
12          highway and highway safety construction pro-  
13          grams (other than emergency relief) by an ag-  
14          gregate amount equal to the amount deter-  
15          mined pursuant to that subparagraph.

16          “(2) ADMINISTRATION.—The amounts withheld  
17          pursuant to paragraph (1) are permanently re-  
18          scinded.

19          “(3) OTHER ACTIONS TO PREVENT INSOL-  
20          VENCY.—The Secretary shall promulgate regulations  
21          to establish any actions in addition to the actions de-  
22          scribed in paragraph (1) that may be taken by the  
23          Secretary if it becomes apparent that the Highway  
24          Trust Fund (other than the Mass Transit Account)

and funds under  
the national  
highway performance  
program that are  
exempt from the  
obligation limitation  
being distributed

1 will become insolvent, including the denial of further  
2 obligations.

3 “(4) APPLICABLE ONLY TO FULL-YEAR LIMITA-  
4 TION.—The requirements of paragraph (1) apply  
5 only to the distribution of a full-year obligation limi-  
6 tation and do not apply to partial-year limitations  
7 under continuing appropriations Acts.”

8 ~~“(c) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that this section should be of no force or effect to  
10 the extent that enactment of the MAP-21 Reauthorization  
11 Act is accompanied by adequate offsets to pay for the re-  
12 quired general fund transfer to the Highway Trust Fund  
13 to fully fund the spending authorized by that Act for each  
14 fiscal year covered by that Act.”~~

15 (b) TABLE OF CHAPTERS.—The table of chapters for  
16 title 23, United States Code, is amended by inserting after  
17 the item relating to chapter 6 the following:

“7. Highway Spending Controls ..... 701”.

S. 2322, Modification to Amendment Udall #3

Strike all and replace with the following:

On page 68, strike lines 17 through 21 and insert the following:

- “(G) a political subdivision of a State or local government;
- “(H) a Federal land management agency, jointly with the applicable State; or
- “(I) a multistate or multijurisdictional group of entities described in subparagraphs (A) through (H).