

108TH CONGRESS
1ST SESSION

H. R. 3112

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2003

Mr. EHLERS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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 and Trade Act of 2003”.

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 efficient and safe movement of people and goods at or
22 across the border between the United States and Canada
23 and the border between 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, including cargo inspection facilities
8 and equipment;

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

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

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

22 “(6) planning and environmental studies.

23 “(d) MANDATORY PROGRAM.—

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

1 cordance with the formula described in paragraph
2 (2), funds to be used in accordance with subsection
3 (c).

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

8 “(A) 25 percent in the ratio that—

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

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

18 “(B) 25 percent in the ratio that—

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

1 “(ii) the average trade value of all
2 cargo imported into all border States and
3 all cargo exported from all border States
4 by commercial vehicle across the inter-
5 national borders with Canada and Mexico.

6 “(C) 25 percent in the ratio that—

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

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

16 “(D) 25 percent in the ratio that—

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

21 “(ii) the number of all commercial ve-
22 hicles annually entering all border States
23 across the international borders with Can-
24 ada and Mexico.

25 “(3) DATA SOURCE.—

1 “(A) IN GENERAL.—The data used by the
2 Secretary in making allocations under this sub-
3 section shall be based on the Bureau of Trans-
4 portation Statistics Transborder Surface
5 Freight Dataset (or other similar database).

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

10 “(4) MINIMUM ALLOCATION.—Notwithstanding
11 subparagraph (B), for each fiscal year, each border
12 State shall receive at least $\frac{1}{2}$ of 1 percent of the
13 funds made available for allocation under this sub-
14 section for the fiscal year.

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

18 “(f) TRANSFER OF FUNDS TO THE ADMINISTRATOR
19 OF GENERAL SERVICES.—

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

1 sultation with the State transportation department,
2 as appropriate, that—

3 “(A) the Administrator should carry out
4 the project; and

5 “(B) the Administrator agrees to use the
6 funds to carry out the project.

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

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

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

23 “(g) FUNDING.—

24 “(1) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated from the

1 Highway Trust Fund (other than the Mass Transit
2 Account) to carry out this section \$200,000,000 for
3 each of fiscal years 2004 through 2009.

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

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

13 **SEC. 3. NATIONAL TRADE CORRIDOR PROGRAM.**

14 Subchapter I of chapter 1 of title 23, United States
15 Code, is further amended by adding at the end the fol-
16 lowing:

17 **“§ 166. National trade corridor program**

18 “(a) DEFINITION OF INTERMODAL ROAD CON-
19 NECTOR.—In this section, the term ‘intermodal road con-
20 nector’ means a connector highway that provides motor
21 vehicle access between a route on the National Highway
22 System and 1 or more major intermodal water port facili-
23 ties at least 1 of which accepts at least 50,000 20-foot
24 equivalent units of container traffic (or 200,000 tons of
25 container or noncontainer traffic) per year of international

1 trade or trade between Alaska or Hawaii and the 48 con-
2 tiguous States.

3 “(b) PROGRAM.—

4 “(1) IN GENERAL.—The Secretary shall carry
5 out a program to allocate funds to States to be used
6 for coordinated planning, design, and construction of
7 corridors of national significance.

8 “(2) APPLICATIONS.—A State that seeks to re-
9 ceive an allocation under this section shall submit to
10 the Secretary an application in such form, and con-
11 taining such information, as the Secretary may re-
12 quest.

13 “(c) ELIGIBILITY OF CORRIDORS.—The Secretary
14 may make allocations under this section with respect to—

15 “(1) a high priority corridor in a State—

16 “(A) that is identified in section 1105(c) of
17 the Intermodal Surface Transportation Effi-
18 ciency Act of 1991 (105 Stat. 2031); and

19 “(B) any part of which is located in a bor-
20 der region (as defined in section 165(a)); and

21 “(2) an intermodal road connector.

22 “(d) ELIGIBLE USES OF FUNDS.—A State may use
23 an allocation under this section to carry out, for an eligible
24 corridor described in subsection (c)—

25 “(1) a feasibility study;

1 “(2) a comprehensive corridor planning and de-
2 sign activity;

3 “(3) a location and routing study;

4 “(4) multistate and intrastate coordination for
5 each corridor;

6 “(5) environmental review; and

7 “(6) construction.

8 “(e) ALLOCATION FORMULA.—

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 the Secretary shall allocate funds among States
11 under this section in accordance with a formula de-
12 termined by the Secretary after taking into consider-
13 ation, with respect to the applicable corridor in the
14 State—

15 “(A) the average annual weight of freight
16 transported on the corridor;

17 “(B) the percentage by which freight traf-
18 fic increased, during the most recent 5-year pe-
19 riod for which data are available, on the cor-
20 ridor; and

21 “(C) the annual average number of trac-
22 tor-trailer trucks that use the corridor to access
23 other States.

24 “(2) MAXIMUM ALLOCATION.—Not more than
25 10 percent of the funds made available for a fiscal

1 year for allocation under this section may be allo-
2 cated to any State for the fiscal year.

3 “(f) COORDINATION OF PLANNING.—Planning with
4 respect to a corridor for which an allocation is made under
5 this section shall be coordinated with—

6 “(1) transportation planning being carried out
7 by the States and metropolitan planning organiza-
8 tions along the corridor; and

9 “(2) to the extent appropriate, transportation
10 planning being carried out by—

11 “(A) Federal land management agencies;

12 “(B) tribal governments; and

13 “(C) government agencies in Mexico or
14 Canada.

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

18 “(h) FUNDING.—

19 “(1) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated from the
21 Highway Trust Fund (other than the Mass Transit
22 Account) to carry out this section \$200,000,000 for
23 each of fiscal years 2004 through 2009.

24 “(2) OBLIGATION AUTHORITY.—Funds made
25 available to carry out this section shall be available

1 for obligation as if the funds were apportioned in ac-
 2 cordance with section 104.”.

3 **SEC. 4. CONFORMING AMENDMENTS.**

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

7 “(9) COORDINATED BORDER INFRASTRUCTURE
 8 PROGRAM AND NATIONAL TRADE CORRIDOR PRO-
 9 GRAM.—For the coordinated border infrastructure
 10 program and national trade corridor program under
 11 sections 165 and 166, respectively, of title 23,
 12 United States Code, \$400,000,000 for each of fiscal
 13 years 2004 through 2009.”.

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

17 (c) The analysis for subchapter I of chapter 1 of title
 18 23, United States Code, is amended by inserting after the
 19 item relating to section 164 the following:

“165. Coordinated border infrastructure program.
 “166. National trade corridor program.”.

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