

108TH CONGRESS  
1ST SESSION

# S. 1535

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

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## IN THE SENATE OF THE UNITED STATES

JULY 31 (legislative day, JULY 21), 2003

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

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## 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 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) MANDATORY AND DISCRETIONARY PRO-  
23          GRAMS.—

24          “(1) MANDATORY PROGRAM.—

1           “(A) IN GENERAL.—For each fiscal year,  
2           the Secretary shall allocate among border  
3           States, in accordance with the formula de-  
4           scribed in subparagraph (B), funds to be used  
5           in accordance with subsection (c).

6           “(B) FORMULA.—Subject to subparagraph  
7           (C), the amount allocated to a border State  
8           under this paragraph shall be determined by  
9           the Secretary, as follows:

10           “(i) 25 percent in the ratio that—

11           “(I) the average annual weight of  
12           all cargo entering the border State by  
13           commercial vehicle across the inter-  
14           national border with Canada or Mex-  
15           ico, as the case may be; bears to

16           “(II) the average annual weight  
17           of all cargo entering all border States  
18           by commercial vehicle across the  
19           international borders with Canada  
20           and Mexico.

21           “(ii) 25 percent in the ratio that—

22           “(I) the average trade value of  
23           all cargo imported into the border  
24           State and all cargo exported from the  
25           border State by commercial vehicle

1 across the international border with  
2 Canada or Mexico, as the case may  
3 be; bears to

4 “(II) the average trade value of  
5 all cargo imported into all border  
6 States and all cargo exported from all  
7 border States by commercial vehicle  
8 across the international borders with  
9 Canada and Mexico.

10 “(iii) 25 percent in the ratio that—

11 “(I) the number of commercial  
12 vehicles annually entering the border  
13 State across the international border  
14 with Canada or Mexico, as the case  
15 may be; bears to

16 “(II) the number of all commer-  
17 cial vehicles annually entering all bor-  
18 der States across the international  
19 borders with Canada and Mexico.

20 “(iv) 25 percent in the ratio that—

21 “(I) the number of passenger ve-  
22 hicles annually entering the border  
23 State across the international border  
24 with Canada or Mexico, as the case  
25 may be; bears to

1                   “(II) the number of all commer-  
2                   cial vehicles annually entering all bor-  
3                   der States across the international  
4                   borders with Canada and Mexico.

5                   “(C) DATA SOURCE.—

6                   “(i) IN GENERAL.—The data used by  
7                   the Secretary in making allocations under  
8                   paragraph (1) shall be based on the Bu-  
9                   reau of Transportation Statistics Trans-  
10                  border Surface Freight Dataset (or other  
11                  similar database).

12                  “(ii) BASIS OF CALCULATION.—All  
13                  formula calculations shall be made using  
14                  the average values for the most recent 5-  
15                  year period for which data are available.

16                  “(D) MINIMUM ALLOCATION.—Notwith-  
17                  standing subparagraph (B), for each fiscal year,  
18                  each border State shall receive at least  $\frac{1}{2}$  of 1  
19                  percent of the funds made available for alloca-  
20                  tion under this paragraph for the fiscal year.

21                  “(2) OTHER FACTORS.—

22                  “(A) IN GENERAL.—In addition to funds  
23                  provided under paragraph (1), the Secretary  
24                  shall select and make allocations to border

1 States under this paragraph based on the fac-  
2 tors described in subparagraph (B).

3 “(B) FACTORS.—The factors referred to in  
4 subparagraph (A) are, with respect to a project  
5 to be carried out under this section in a border  
6 State—

7 “(i) any expected reduction in, or im-  
8 provement in the reliability of, commercial  
9 and other motor vehicle travel time  
10 through an international border crossing  
11 as a result of the project;

12 “(ii) strategies to increase the use of  
13 underused border crossing facilities and  
14 approaches;

15 “(iii) leveraging of Federal funds pro-  
16 vided under this section, including—

17 “(I) the use of innovative financ-  
18 ing;

19 “(II) the combination of those  
20 funds with funding provided for other  
21 provisions of this title; and

22 “(III) the combination of those  
23 funds with funds from other Federal,  
24 State, local, or private sources;

1           “(iv)(I) the degree of multinational in-  
2           volvement in the project; and

3           “(II) demonstrated coordination with  
4           other Federal agencies responsible for the  
5           inspection of vehicles, cargo, and persons  
6           crossing international borders and their  
7           counterpart agencies in Canada and Mex-  
8           ico;

9           “(v) the degree of demonstrated co-  
10          ordination with Federal inspection agen-  
11          cies;

12          “(vi) the extent to which the innova-  
13          tive and problem-solving techniques of the  
14          proposed project would be applicable to  
15          other border stations or ports of entry;

16          “(vii) demonstrated local commitment  
17          to implement and sustain continuing com-  
18          prehensive border or affected port of entry  
19          planning processes and improvement pro-  
20          grams; and

21          “(viii) such other factors as the Sec-  
22          retary determines to be appropriate to pro-  
23          mote border transportation efficiency and  
24          safety.

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

4       “(f) TRANSFER OF FUNDS TO THE ADMINISTRATOR  
5 OF GENERAL SERVICES.—

6           “(1) IN GENERAL.—At the request of a State,  
7 funds allocated to the State under this section shall  
8 be transferred to the Administrator of General Serv-  
9 ices for the purpose of funding a project under the  
10 administrative jurisdiction of the Administrator in a  
11 border State if the Secretary determines, after con-  
12 sultation with the State transportation department,  
13 as appropriate, that—

14           “(A) the Administrator should carry out  
15 the project; and

16           “(B) the Administrator agrees to use the  
17 funds to carry out the project.

18       “(2) NO AUGMENTATION OF APPROPRIA-  
19 TIONS.—Funds transferred under paragraph (1)  
20 shall not be deemed to be an augmentation of the  
21 amount of appropriations made to the General Serv-  
22 ices Administration.

23       “(3) ADMINISTRATION.—Funds transferred  
24 under paragraph (1) shall be administered in accord-  
25 ance with the procedures applicable to the General

1 Services Administration, except that the funds shall  
2 be available for obligation in the same manner as  
3 other funds apportioned under this chapter.

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

9 “(g) FUNDING.—

10 “(1) AUTHORIZATION OF APPROPRIATIONS.—  
11 There is authorized to be appropriated from the  
12 Highway Trust Fund (other than the Mass Transit  
13 Account) to carry out this section \$200,000,000 for  
14 each of fiscal years 2004 through 2009, of which—

15 “(A) \$100,000,000 shall be used to carry  
16 out subsection (d)(1); and

17 “(B) \$100,000,000 shall be used to carry  
18 out subsection (d)(2).

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

23 “(3) EXCLUSION FROM CALCULATION OF MIN-  
24 IMUM GUARANTEE.—The Secretary shall calculate  
25 the amounts to be allocated among the States under

1 section 105 without regard to amounts made avail-  
2 able to the States under this subsection.”.

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

4 Subchapter I of chapter 1 of title 23, United States  
5 Code (as amended by section 2), is amended by adding  
6 at the end the following:

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

8 “(a) DEFINITION OF INTERMODAL ROAD CON-  
9 NECTOR.—In this section, the term ‘intermodal road con-  
10 nector’ means a connector highway that provides motor  
11 vehicle access between a route on the National Highway  
12 System and 1 or more major intermodal water port facili-  
13 ties at least 1 of which accepts at least 50,000 20-foot  
14 equivalent units of container traffic (or 200,000 tons of  
15 container or noncontainer traffic) per year of international  
16 trade or trade between Alaska or Hawaii and the 48 con-  
17 tiguous States.

18 “(b) PROGRAM.—

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

23 “(2) APPLICATIONS.—A State that seeks to re-  
24 ceive an allocation under this section shall submit to  
25 the Secretary an application in such form, and con-

1 taining such information, as the Secretary may re-  
2 quest.

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

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

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

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

11 “(2) an intermodal road connector.

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

15 “(1) a feasibility study;

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

18 “(3) a location and routing study;

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

21 “(5) environmental review; and

22 “(6) construction.

23 “(e) ALLOCATION FORMULA.—

24 “(1) IN GENERAL.—Subject to paragraph (2),  
25 the Secretary shall allocate funds among States

1 under this section in accordance with a formula de-  
2 termined by the Secretary after taking into consider-  
3 ation, with respect to the applicable corridor in the  
4 State—

5 “(A) the average annual weight of freight  
6 transported on the corridor;

7 “(B) the percentage by which freight traf-  
8 fic increased, during the most recent 5-year pe-  
9 riod for which data are available, on the cor-  
10 ridor; and

11 “(C) the annual average number of trac-  
12 tor-trailer trucks that use the corridor to access  
13 other States.

14 “(2) MAXIMUM ALLOCATION.—Not more than  
15 10 percent of the funds made available for a fiscal  
16 year for allocation under this section may be allo-  
17 cated to any State for the fiscal year.

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

21 “(1) transportation planning being carried out  
22 by the States and metropolitan planning organiza-  
23 tions along the corridor; and

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

1           “(A) Federal land management agencies;  
2           “(B) tribal governments; and  
3           “(C) government agencies in Mexico or  
4           Canada.

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

8           “(h) FUNDING.—

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

14          “(2) OBLIGATION AUTHORITY.—Funds made  
15          available to carry out this section shall be available  
16          for obligation as if the funds were apportioned in ac-  
17          cordance with section 104.”.

18 **SEC. 4. CONFORMING AMENDMENTS.**

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

22          “(9) COORDINATED BORDER INFRASTRUCTURE  
23          PROGRAM AND NATIONAL TRADE CORRIDOR PRO-  
24          GRAM.—For the coordinated border infrastructure  
25          program and national trade corridor program under

1 sections 165 and 166, respectively, of title 23,  
2 United States Code, \$400,000,000 for each of fiscal  
3 years 2004 through 2009.”.

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

7 (c) The analysis for subchapter I of chapter 1 of title  
8 23, United States Code, is amended by inserting after the  
9 item relating to section 164 the following:

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

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