

AMENDMENT TO RULES COMMITTEE PRINT
114-32
OFFERED BY MS. MAXINE WATERS OF
CALIFORNIA

At the end of title I of division A, insert the following:

1 **SEC. ____ . DESIGNATED PROJECTS.**

2 (a) **DEFINITIONS.**—In this section, the following defi-
3 nitions apply:

4 (1) **EARMARKED AMOUNT.**—The term “ear-
5 marked amount” means—

6 (A) congressionally directed spending, as
7 defined in rule XLIV of the Standing Rules of
8 the Senate, identified in a prior law, report, or
9 joint explanatory statement, that was author-
10 ized to be appropriated or appropriated more
11 than 10 fiscal years prior to the fiscal year in
12 which this Act becomes effective, and adminis-
13 tered by the Administrator of the Federal High-
14 way Administration; and

15 (B) a congressional earmark, as defined in
16 rule XXI of the Rules of the House of Rep-
17 resentatives identified in a prior law, report, or

1 joint explanatory statement, that was author-
2 ized to be appropriated or appropriated more
3 than 10 fiscal years prior to the fiscal year in
4 which this Act becomes effective, and adminis-
5 tered by the Administrator of the Federal High-
6 way Administration.

7 (2) STATE.—The term “State” has the mean-
8 ing given the term in section 101(a) of title 23,
9 United States Code.

10 (3) TERRITORY.—The term “territory” has the
11 meaning given the term in section 165(c) of title 23,
12 United States Code.

13 (b) AUTHORITY.—A State or territory may use any
14 earmarked amount and any associated obligation limita-
15 tion for any project eligible under sections 133(b) or 165
16 of title 23, United States Code, respectively.

17 (c) TERMS.—

18 (1) NOTIFICATION.—The State transportation
19 agency for the State or territory for which the ear-
20 marked amount was originally designated or directed
21 shall—

22 (A) notify the Secretary of the intent of
23 the State transportation agency to use author-
24 ity under this section; and

1 (B) submit to the Secretary a report not
2 later than September 30, 2016, identifying the
3 earmarked amount, and associated obligation
4 limitation, to be used and the projects to which
5 the funding would be applied.

6 (2) PERIOD OF AVAILABILITY.—Notwith-
7 standing the original period of availability of the ear-
8 marked amount and associated obligation limitation,
9 the funds and associated obligation limitation shall
10 remain available for obligation for a period of 3 fis-
11 cal years after the fiscal year in which the Secretary
12 is notified under paragraph (1).

13 (3) FEDERAL SHARE.—The Federal share of
14 the cost of a project carried out with funds made
15 available under this section shall be the same as
16 originally associated with the earmark.

17 (d) LIMITATIONS.—

18 (1) IN GENERAL.—The authority under sub-
19 section (b) may be exercised only—

20 (A) after September 30, 2016; and

21 (B)(i) for those projects or activities that
22 have obligated less than 10 percent of the
23 amount made available for obligation as of the
24 date of enactment of this Act; or

1 (ii) for those projects with unexpended bal-
2 ances of funds for which the earmarked amount
3 that was originally designated or directed has
4 been closed and for which payments have been
5 made under a final voucher.

6 (2) GEOGRAPHIC AREA.—

7 (A) IN GENERAL.—The earmarked amount
8 and associated obligation limitation shall only
9 be applied to projects within the same general
10 geographic area within 50 miles; within the
11 same city; and within the boundaries of the
12 State or territory for which the earmarked
13 amount was originally designated or directed, in
14 consultation with the relevant metropolitan
15 planning organization, if applicable.

16 (B) EXCEPTION.—A State or territory
17 may apply the earmarked amount and associ-
18 ated obligation limitation, to a project in any
19 area of the State or territory if the State or ter-
20 ritory certifies that the project for which the
21 earmarked amount was originally designated or
22 directed has been completed and payments have
23 been made under a final voucher.

24 (e) REPORT TO CONGRESS.—Not later than Decem-
25 ber 16, 2016, the Secretary shall submit a consolidated

1 report of the information provided by States and terri-
2 tories under this section to—

3 (1) the Committee on Appropriations of the
4 Senate;

5 (2) the Committee on Appropriations of the
6 House of Representatives;

7 (3) the Committee on Environment and Public
8 Works of the Senate; and

9 (4) the Committee on Transportation and In-
10 frastructure of the House of Representatives.

