

HIGHWAY AND TRANSPORTATION FUNDING ACT OF 2014

—————  
JULY 14, 2014.—Ordered to be printed  
—————

Mr. CAMP, from the Committee on Ways and Means,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 5021]

[Including cost estimate of the Congressional Budget Office]

The Committee on Ways and Means, to whom was referred the bill (H.R. 5021) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Highway and Transportation Funding Act of 2014”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—SURFACE TRANSPORTATION PROGRAM EXTENSION**

**Subtitle A—Federal-Aid Highways**

Sec. 1001. Extension of Federal-aid highway programs.

Sec. 1002. Administrative expenses.

**Subtitle B—Extension of Highway Safety Programs**

Sec. 1101. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 1102. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 1103. Dingell-Johnson Sport Fish Restoration Act.

**Subtitle C—Public Transportation Programs**

Sec. 1201. Formula grants for rural areas.

Sec. 1202. Apportionment of appropriations for formula grants.

Sec. 1203. Authorizations for public transportation.

Sec. 1204. Bus and bus facilities formula grants.

**Subtitle D—Hazardous Materials**

Sec. 1301. Authorization of appropriations.

**TITLE II—REVENUE PROVISIONS**

Sec. 2001. Extension of Highway Trust Fund expenditure authority.

Sec. 2002. Funding of Highway Trust Fund.

Sec. 2003. Funding stabilization.

Sec. 2004. Extension of Customs user fees.

**TITLE I—SURFACE TRANSPORTATION  
PROGRAM EXTENSION**

**Subtitle A—Federal-Aid Highways**

**SEC. 1001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.**

(a) **IN GENERAL.**—Except as provided in this subtitle, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under divisions A and E of MAP-21 (Public Law 112-141), the SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-244), titles I, V, and VI of SAFETEA-LU (Public Law 109-59), titles I and V of the Transportation Equity Act for the 21st Century (Public Law 105-178), the National Highway System Designation Act of 1995 (104-59), titles I and VI of the Intermodal Surface Transportation Act of 1991 (Public Law 102-240), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2014, are incorporated by reference and shall continue in effect until May 31, 2015.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **HIGHWAY TRUST FUND.**—Except as provided in section 1002, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the period beginning on October 1, 2014, and ending on May 31, 2015, a sum equal to  $\frac{243}{365}$  of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2014 under divisions A and E of MAP-21 (Public Law 112-141) and title 23, United States Code (excluding chapter 4 of that title).

(2) **GENERAL FUND.**—Section 1123(h)(1) of MAP-21 (23 U.S.C. 202 note) is amended by inserting “and \$19,972,603 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2014, and ending on May 31, 2015” before the period at the end.

## (c) USE OF FUNDS.—

(1) IN GENERAL.—Except as otherwise expressly provided in this subtitle, funds authorized to be appropriated under subsection (b)(1) for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same levels as  $\frac{243}{365}$  of the amounts of funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2014 to carry out programs, projects, activities, eligibilities, and requirements under MAP–21 (Public Law 112–141), the SAFETEA–LU Technical Corrections Act of 2008 (Public Law 110–244), SAFETEA–LU (Public Law 109–59), titles I and V of the Transportation Equity Act for the 21st Century (Public Law 105–178), the National Highway System Designation Act of 1995 (104–59), titles I and VI of the Intermodal Surface Transportation Act of 1991 (Public Law 102–240), and title 23, United States Code (excluding chapter 4 of that title).

(2) CONTRACT AUTHORITY.—Funds authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) under this section shall be—

(A) available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; and

(B) subject to section 1102 of MAP–21 (23 U.S.C. 104 note), as amended by this subsection.

(3) OBLIGATION CEILING.—Section 1102 of MAP–21 (23 U.S.C. 104 note) is amended—

(A) in subsection (a)—

(i) by striking “and” at the end of paragraph (1);

(ii) by striking the period at the end of paragraph (2) and inserting “; and”; and

(iii) by adding at the end the following:

“(3) \$26,800,569,863 for the period beginning on October 1, 2014, and ending on May 31, 2015.”;

(B) in subsection (b)—

(i) in paragraph (10) by striking “2011” and inserting “2012”; and

(ii) in paragraph (12) by inserting “, and for the period beginning on October 1, 2014, and ending on May 31, 2015, only in an amount equal to \$639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by  $\frac{243}{365}$  for that period” after “those fiscal years”;

(C) in subsection (c)—

(i) in the matter preceding paragraph (1) by inserting “and for the period beginning on October 1, 2014, and ending on May 31, 2015” after “2014”;

(ii) by striking paragraph (1)(A) and inserting the following:

“(A) amounts provided for administrative expenses and programs; and”;

(iii) in paragraph (2) in the matter preceding subparagraph (A) by inserting “or, for the period beginning on October 1, 2014, and ending May 31, 2015, that is equal to  $\frac{243}{365}$  of such unobligated balance” after “unobligated balance of amounts”;

(iv) in paragraph (5) by striking “section 204” and inserting “sections 202 and 204”; and

(v) by inserting “or period” after “the fiscal year” each place it appears;

(D) in subsection (d) in the matter preceding paragraph (1) by striking “2014” and inserting “2015”;

(E) in subsection (f)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A) by inserting “and for the period beginning on October 1, 2014, and ending on May 31, 2015” after “2014”; and

(II) in each of subparagraphs (A) and (B) by inserting “or period” after “the fiscal year”; and

(ii) in paragraph (3) by striking “section 133(c)” and inserting “section 133(b)”.

**SEC. 1002. ADMINISTRATIVE EXPENSES.**

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwithstanding any other provision of this Act or any other law, there is authorized to be appropriated from the

Highway Trust Fund (other than the Mass Transit Account), from amounts provided under section 1001, for administrative expenses of the Federal-aid highway program \$292,931,507 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(b) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be—

(1) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended; and

(2) subject to the limitation on obligations for Federal-aid highways and highway safety construction programs for the period beginning on October 1, 2014, and ending on May 31, 2015, specified in section 1102 of MAP–21 (23 U.S.C. 104 note), as amended by this subtitle.

## **Subtitle B—Extension of Highway Safety Programs**

### **SEC. 1101. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.**

(a) EXTENSION OF PROGRAMS.—

(1) HIGHWAY SAFETY PROGRAMS.—Section 31101(a)(1) of MAP–21 (126 Stat. 733) is amended—

(A) in subparagraph (A) by striking “and” at the end;

(B) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) \$156,452,055 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 31101(a)(2) of MAP–21 (126 Stat. 733) is amended—

(A) in subparagraph (A) by striking “and” at the end;

(B) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) \$75,563,014 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—Section 31101(a)(3) of MAP–21 (126 Stat. 733) is amended—

(A) in subparagraph (A) by striking “and” at the end;

(B) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) \$181,084,932 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(4) NATIONAL DRIVER REGISTER.—Section 31101(a)(4) of MAP–21 (126 Stat. 733) is amended—

(A) in subparagraph (A) by striking “and” at the end;

(B) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(A) AUTHORIZATION OF APPROPRIATIONS.—Section 31101(a)(5) of MAP–21 (126 Stat. 733) is amended—

(i) in subparagraph (A) by striking “and” at the end;

(ii) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(C) \$19,306,849 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(B) LAW ENFORCEMENT CAMPAIGNS.—Section 2009(a) of SAFETEA–LU (23 U.S.C. 402 note) is amended by inserting “and in the period beginning on October 1, 2014, and ending on May 31, 2015,” after “fiscal years 2013 and 2014” each place it appears.

(6) ADMINISTRATIVE EXPENSES.—Section 31101(a)(6) of MAP–21 (126 Stat. 733) is amended—

- (A) in subparagraph (A) by striking “and” at the end;
- (B) in subparagraph (B) by striking the period at the end and inserting “, and”; and
- (C) by adding at the end the following:  
“(C) \$16,976,712 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(b) COOPERATIVE RESEARCH AND EVALUATION.—Section 403(f)(1) of title 23, United States Code, is amended by inserting “ending before October 1, 2014, and \$1,664,384 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on May 31, 2015,” after “each fiscal year”.

(c) APPLICABILITY OF TITLE 23.—Section 31101(c) of MAP-21 (126 Stat. 733) is amended by inserting “and for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “fiscal years 2013 and 2014”.

**SEC. 1102. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.**

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended—

- (1) by striking “and” at the end of paragraph (8);
- (2) by striking the period at the end of paragraph (9) and inserting “; and” ; and
- (3) by adding at the end the following:  
“(10) \$145,134,247 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) of title 49, United States Code, is amended—

- (1) by striking “and” at the end of subparagraph (H);
- (2) by striking the period at the end of subparagraph (I) and inserting “; and”; and
- (3) by adding at the end the following:  
“(J) \$172,430,137 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(c) GRANT PROGRAMS.—

(1) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.—Section 4101(c)(1) of SAFETEA-LU (119 Stat. 1715) is amended by inserting before the period at the end the following: “and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(2) BORDER ENFORCEMENT GRANTS.—Section 4101(c)(2) of SAFETEA-LU (119 Stat. 1715) is amended by inserting before the period at the end the following: “and \$21,304,110 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—Section 4101(c)(3) of SAFETEA-LU (119 Stat. 1715) is amended by inserting before the period at the end the following: “and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT PROGRAM.—Section 4101(c)(4) of SAFETEA-LU (119 Stat. 1715) is amended by inserting before the period at the end the following: “and \$16,643,836 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(5) SAFETY DATA IMPROVEMENT GRANTS.—Section 4101(c)(5) of SAFETEA-LU (119 Stat. 1715) is amended by inserting before the period at the end the following: “and \$1,997,260 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by inserting “and up to \$9,986,301 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by inserting “and up to \$21,304,110 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “per fiscal year”.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA-LU (119 Stat. 1741) is amended by inserting “and \$2,663,014 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA-LU (49 U.S.C. 31301 note) is amended by inserting “and \$665,753 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”.

**SEC. 1103. DINGELL-JOHNSON SPORT FISH RESTORATION ACT.**

Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by inserting “and for the period beginning on October 1, 2014, and ending on May 31, 2015” after “2014”; and

(2) in subsection (b)(1)(A) by striking “for each” and all that follows before “the Secretary of the Interior” and inserting “for each fiscal year ending before October 1, 2014, and for the period beginning on October 1, 2014, and ending on May 31, 2015.”

## **Subtitle C—Public Transportation Programs**

**SEC. 1201. FORMULA GRANTS FOR RURAL AREAS.**

Section 5311(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A) by inserting “for each fiscal year ending before October 1, 2014, and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be distributed”; and

(2) in subparagraph (B) by inserting “for each fiscal year ending before October 1, 2014, and \$16,643,836 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be apportioned”.

**SEC. 1202. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.**

Section 5336(h)(1) of title 49, United States Code, is amended by inserting “for each fiscal year ending before October 1, 2014, and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be set aside”.

**SEC. 1203. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.**

(a) FORMULA GRANTS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and \$8,595,000,000 for fiscal year 2014” and inserting “, \$8,595,000,000 for fiscal year 2014, and \$5,722,150,685 for the period beginning on October 1, 2014, and ending on May 31, 2015”;

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “and \$128,800,000 for fiscal year 2014” and inserting “, \$128,800,000 for fiscal year 2014, and \$85,749,041 for the period beginning on October 1, 2014, and ending on May 31, 2015.”;

(B) in subparagraph (B) by inserting “and \$6,657,534 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”;

(C) in subparagraph (C) by striking “and \$4,458,650,000 for fiscal year 2014” and inserting “, \$4,458,650,000 for fiscal year 2014, and \$2,968,361,507 for the period beginning on October 1, 2014, and ending on May 31, 2015.”;

(D) in subparagraph (D) by striking “and \$258,300,000 for fiscal year 2014” and inserting “, \$258,300,000 for fiscal year 2014, and \$171,964,110 for the period beginning on October 1, 2014, and ending on May 31, 2015.”;

(E) in subparagraph (E)—

(i) by striking “and \$607,800,000 for fiscal year 2014” and inserting “, \$607,800,000 for fiscal year 2014, and \$404,644,932 for the period beginning on October 1, 2014, and ending on May 31, 2015.”;

(ii) by striking “and \$30,000,000 for fiscal year 2014” and inserting “, \$30,000,000 for fiscal year 2014, and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015.”; and

(iii) by striking “and \$20,000,000 for fiscal year 2014” and inserting “, \$20,000,000 for fiscal year 2014, and \$13,315,068 for the period beginning on October 1, 2014, and ending on May 31, 2015.”;

(F) in subparagraph (F) by inserting “and \$1,997,260 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”;

(G) in subparagraph (G) by inserting “and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”;

(H) in subparagraph (H) by inserting “and \$2,563,151 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”;

(I) in subparagraph (I) by striking “and \$2,165,900,000 for fiscal year 2014” and inserting “, \$2,165,900,000 for fiscal year 2014, and \$1,441,955,342 for the period beginning on October 1, 2014, and ending on May 31, 2015.”;

(J) in subparagraph (J) by striking “and \$427,800,000 for fiscal year 2014” and inserting “, \$427,800,000 for fiscal year 2014, and \$284,809,315

for the period beginning on October 1, 2014, and ending on May 31, 2015,”;  
and

(K) in subparagraph (K) by striking “and \$525,900,000 for fiscal year 2014” and inserting “, \$525,900,000 for fiscal year 2014, and \$350,119,726 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—Section 5338(b) of title 49, United States Code, is amended by striking “and \$70,000,000 for fiscal year 2014” and inserting “, \$70,000,000 for fiscal year 2014, and \$46,602,740 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Section 5338(c) of title 49, United States Code, is amended by striking “and \$7,000,000 for fiscal year 2014” and inserting “, \$7,000,000 for fiscal year 2014, and \$4,660,274 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—Section 5338(d) of title 49, United States Code, is amended by striking “and \$7,000,000 for fiscal year 2014” and inserting “, \$7,000,000 for fiscal year 2014, and \$4,660,274 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(e) HUMAN RESOURCES AND TRAINING.—Section 5338(e) of title 49, United States Code, is amended by striking “and \$5,000,000 for fiscal year 2014” and inserting “, \$5,000,000 for fiscal year 2014, and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(f) CAPITAL INVESTMENT GRANTS.—Section 5338(g) of title 49, United States Code, is amended by striking “and \$1,907,000,000 for fiscal year 2014” and inserting “, \$1,907,000,000 for fiscal year 2014, and \$1,269,591,781 for the period beginning on October 1, 2014, and ending on May 31, 2015”.

(g) ADMINISTRATION.—Section 5338(h) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and \$104,000,000 for fiscal year 2014” and inserting “, \$104,000,000 for fiscal year 2014, and \$69,238,356 for the period beginning on October 1, 2014, and ending on May 31, 2015”;

(2) in paragraph (2) by inserting “for each of fiscal years 2013 and 2014 and not less than \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be available”; and

(3) in paragraph (3) by inserting “for each of fiscal years 2013 and 2014 and not less than \$665,753 for the period beginning on October 1, 2014, and ending on May 31, 2015,” before “shall be available”.

**SEC. 1204. BUS AND BUS FACILITIES FORMULA GRANTS.**

Section 5339(d)(1) of title 49, United States Code, is amended—

(1) by inserting “for each of fiscal years 2013 and 2014 and \$43,606,849 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “\$65,500,000”;

(2) by inserting “for each such fiscal year and \$832,192 for such period” after “\$1,250,000”; and

(3) by inserting “for each such fiscal year and \$332,877 for such period” after “\$500,000”.

## Subtitle D—Hazardous Materials

**SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Section 5128(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking “and” at the end;

(2) in paragraph (2) by striking the period at the end and inserting “; and”;  
and

(3) by adding at the end the following:

“(3) \$28,468,948 for the period beginning on October 1, 2014, and ending on May 31, 2015.”.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—Section 5128(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by striking “From the” and inserting the following:

“(1) FISCAL YEARS 2013 AND 2014.—From the”; and

(3) by adding at the end the following:

“(2) FISCAL YEAR 2015.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2014, and ending on May 31, 2015—

- “(A) \$125,162 to carry out section 5115;  
 (B) \$14,513,425 to carry out subsections (a) and (b) of section 5116, of which not less than \$9,087,534 shall be available to carry out section 5116(b);  
 (C) \$99,863 to carry out section 5116(f);  
 (D) \$416,096 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and  
 (E) \$665,753 to carry out section 5116(j).”
- (c) HAZARDOUS MATERIALS TRAINING GRANTS.—Section 5128(c) of title 49, United States Code, is amended by inserting “and \$2,663,014 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”.

## TITLE II—REVENUE PROVISIONS

### SEC. 2001. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 2014” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “June 1, 2015”, and

(2) by striking “MAP–21” in subsections (c)(1) and (e)(3) and inserting “Highway and Transportation Funding Act of 2014”.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking “MAP–21” each place it appears in subsection (b)(2) and inserting “Highway and Transportation Funding Act of 2014”, and

(2) by striking “October 1, 2014” in subsection (d)(2) and inserting “June 1, 2015”.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986 is amended by striking “October 1, 2014” and inserting “June 1, 2015”.

### SEC. 2002. FUNDING OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraphs:

“(5) ADDITIONAL SUMS.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

“(A) \$7,765,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

“(B) \$2,000,000,000 to the Mass Transit Account in the Highway Trust Fund.

“(6) ADDITIONAL INCREASE IN FUND BALANCE.—There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(3).”

(b) APPROPRIATION FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—(1) IN GENERAL.—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated \$1,000,000,000 to be transferred under section 9503(f)(6) to the Highway Account (as defined in section 9503(e)(5)(B)) in the Highway Trust Fund.”

(2) CONFORMING AMENDMENT.—Section 9508(c)(1) of the Internal Revenue Code of 1986 is amended by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”.

### SEC. 2003. FUNDING STABILIZATION.

(a) FUNDING STABILIZATION UNDER THE INTERNAL REVENUE CODE OF 1986.—The table in subclause (II) of section 430(h)(2)(C)(iv) of the Internal Revenue Code of 1986 is amended to read as follows:

“If the calendar year is:	The applicable minimum percent- age is:	The applicable maximum percent- age is:
2012, 2013, 2014, 2015, 2016, or 2017.	90% .....	110%
2018 .....	85% .....	115%
2019 .....	80% .....	120%

“If the calendar year is:	The applicable minimum percent- age is:	The applicable maximum percent- age is:
2020 .....	75% .....	125%
After 2020 .....	70% .....	130%”.

(b) **FUNDING STABILIZATION UNDER EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**—

(1) **IN GENERAL.**—The table in subclause (II) of section 303(h)(2)(C)(iv) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(C)(iv)) is amended to read as follows:

“If the calendar year is:	The applicable minimum percent- age is:	The applicable maximum percent- age is:
2012, 2013, 2014, 2015, 2016, or 2017.	90% .....	110%
2018 .....	85% .....	115%
2019 .....	80% .....	120%
2020 .....	75% .....	125%
After 2020 .....	70% .....	130%”.

(2) **CONFORMING AMENDMENTS.**—

(A) **IN GENERAL.**—Section 101(f)(2)(D) of such Act (29 U.S.C. 1021(f)(2)(D)) is amended—

(i) in clause (i) by inserting “and the Highway and Transportation Funding Act of 2014” after “MAP-21” both places it appears, and

(ii) in clause (ii) by striking “2015” and inserting “2020”.

(B) **STATEMENTS.**—The Secretary of Labor shall modify the statements required under subclauses (I) and (II) of section 101(f)(2)(D)(i) of such Act to conform to the amendments made by this section.

(c) **STABILIZATION NOT TO APPLY FOR PURPOSES OF CERTAIN ACCELERATED BENEFIT DISTRIBUTION RULES.**—

(1) **INTERNAL REVENUE CODE OF 1986.**—The second sentence of paragraph (2) of section 436(d) of the Internal Revenue Code of 1986 is amended by striking “of such plan” and inserting “of such plan (determined by not taking into account any adjustment of segment rates under section 430(h)(2)(C)(iv))”.

(2) **EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**—The second sentence of subparagraph (B) of section 206(g)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(g)(3)(B)) is amended by striking “of such plan” and inserting “of such plan (determined by not taking into account any adjustment of segment rates under section 303(h)(2)(C)(iv))”.

(3) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to plan years beginning after December 31, 2014.

(B) **COLLECTIVELY BARGAINED PLANS.**—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements, the amendments made by this subsection shall apply to plan years beginning after December 31, 2015.

(4) **PROVISIONS RELATING TO PLAN AMENDMENTS.**—

(A) **IN GENERAL.**—If this paragraph applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii).

(B) **AMENDMENTS TO WHICH PARAGRAPH APPLIES.**—

(i) **IN GENERAL.**—This paragraph shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by this subsection, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under any provision as so amended, and

(II) on or before the last day of the first plan year beginning on or after January 1, 2016, or such later date as the Secretary of the Treasury may prescribe.

(ii) **CONDITIONS.**—This subsection shall not apply to any amendment unless, during the period—

(I) beginning on the date that the amendments made by this subsection or the regulation described in clause (i)(I) takes effect (or

in the case of a plan or contract amendment not required by such amendments or such regulation, the effective date specified by the plan), and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and such plan or contract amendment applies retroactively for such period.

(C) ANTI-CUTBACK RELIEF.—A plan shall not be treated as failing to meet the requirements of section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) and section 411(d)(6) of the Internal Revenue Code of 1986 solely by reason of a plan amendment to which this paragraph applies.

(d) MODIFICATION OF FUNDING TARGET DETERMINATION PERIODS.—

(1) INTERNAL REVENUE CODE OF 1986.—Clause (i) of section 430(h)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “the first day of the plan year” and inserting “the valuation date for the plan year”.

(2) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Clause (i) of section 303(h)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)(B)(i)) is amended by striking “the first day of the plan year” and inserting “the valuation date for the plan year”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall apply with respect to plan years beginning after December 31, 2012.

(2) ELECTIONS.—A plan sponsor may elect not to have the amendments made by subsections (a), (b), and (d) apply to any plan year beginning before January 1, 2014, either (as specified in the election)—

(A) for all purposes for which such amendments apply, or

(B) solely for purposes of determining the adjusted funding target attainment percentage under sections 436 of the Internal Revenue Code of 1986 and 206(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) for such plan year.

A plan shall not be treated as failing to meet the requirements of section 204(g) of such Act and section 411(d)(6) of such Code solely by reason of an election under this paragraph.

**SEC. 2004. EXTENSION OF CUSTOMS USER FEES.**

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking “September 30, 2023” and inserting “September 30, 2024”; and

(2) in subparagraph (B)(i), by striking “September 30, 2023” and inserting “September 30, 2024”.

## I. SUMMARY AND BACKGROUND

### A. PURPOSE AND SUMMARY

The bill, H.R. 5021, reported by the Committee on Ways and Means, extends through May 31, 2015, the expenditure authority for the Highway Trust Fund. To address the projected inability of the Highway Trust Fund to meet expenditures with current revenue sources, H.R. 5021 transfers \$7.765 billion from the General Fund and \$1 billion from the Leaking Underground Storage Tank Trust Fund, to the Highway Account of the Highway Trust Fund, and \$2 billion from the General Fund to the Mass Transit Account of the Highway Trust Fund. The bill also contains a pension funding stabilization provision and an extension of Customs user fees.

### B. BACKGROUND AND NEED FOR LEGISLATION

The provisions approved by the Committee reflect the need to extend expiring Highway Trust Fund expenditure authority, and address the very near-term projected shortfall in the Highway Trust

Fund to ensure continued funding for highway and mass transit projects.

### C. LEGISLATIVE HISTORY

#### *Background*

H.R. 5021 was introduced on July 8, 2014, and was referred to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure; Science, Space and Technology; Energy and Commerce; Education and the Workforce; and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### *Committee action*

The Committee on Ways and Means marked up H.R. 5021, the Highway and Transportation Funding Act of 2014, on July 10, 2014, and ordered the bill, as amended, favorably reported (with a quorum being present).

#### *Committee hearings*

The need to address funding issues associated with the Highway Trust Fund was discussed at the Full Committee hearing on the President's Fiscal Year 2015 Budget Proposal with the U.S. Department of the Treasury Secretary Jacob J. Lew (Mar. 6, 2014).

## II. EXPLANATION OF THE BILL

### A. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY (SEC. 2001 OF THE BILL AND SECS. 9503, 9504 AND 9508 OF THE CODE)

#### PRESENT LAW

#### *In general*

Six separate excise taxes are imposed to finance the Federal Highway Trust Fund program. Three of these taxes are imposed on highway motor fuels. The remaining three are a retail sales tax on heavy highway vehicles, a manufacturers' excise tax on heavy vehicle tires, and an annual use tax on heavy vehicles. A substantial majority of the revenues produced by the Highway Trust Fund excise taxes are derived from the taxes on motor fuels. The annual use tax on heavy vehicles expires October 1, 2017. Except for 4.3 cents per gallon of the Highway Trust Fund fuels tax rates, the remaining taxes are scheduled to expire October 1, 2016. The 4.3-cents-per-gallon portion of the fuels tax rates is permanent.<sup>1</sup>

Revenues from the excise taxes generally are dedicated to the Highway Trust Fund. Dedication of excise tax revenues to the Highway Trust Fund and expenditures from the Highway Trust Fund are governed by the Code.<sup>2</sup> As discussed below, the Code au-

<sup>1</sup>This portion of the tax rates was enacted as a deficit reduction measure in 1993. Receipts from it were retained in the General Fund until 1997 legislation provided for their transfer to the Highway Trust Fund.

<sup>2</sup>Sec. 9503. Unless otherwise stated, all section references are to the Internal Revenue Code of 1986, as amended (the "Code").

thorizes expenditures (subject to appropriations) from the Highway Trust Fund through September 30, 2014.

*Highway Trust Fund expenditure purposes*

Section 9503 contains the operative rules for the transfer of revenues to the Highway Trust Fund and for the expenditure of monies from the Highway Trust Fund. In general, these rules provide for transfer from the General Fund of “gross receipts” from the Highway Trust Fund excise taxes to the Highway Trust Fund. Amounts deposited in the Highway Trust Fund are divided between a Mass Transit Account and a residual account, the “Highway Account.”<sup>3</sup> The Mass Transit Account generally receives 2.86 cents per gallon of the Highway Trust Fund motor fuels excise taxes.<sup>4</sup> The balance of the motor fuels tax receipts and all receipts from the three non-fuels excise taxes are deposited in the Highway Account.

The Highway Trust Fund expenditure purposes have been revised with each authorization Act enacted since establishment of the Highway Trust Fund in 1956. In general, expenditures authorized under those Acts (as the Acts were in effect on the date of enactment of the most recent such authorizing Act, currently the Moving Ahead for Progress in the 21st Century Act or “MAP-21”<sup>5</sup>) are specified by the Code as authorized Highway Trust Fund expenditure purposes.<sup>6</sup> The Code provides that the authority to make expenditures from the Highway Trust Fund for these purposes expires after September 30, 2014. Thus, no Highway Trust Fund expenditures may occur after September 30, 2014, without an amendment to the Code.

REASONS FOR CHANGE

The current Highway Trust Fund expenditure authority expires after September 30, 2014. The Committee believes that an extension of that authority, through May 31, 2015, will give Congress sufficient time to carefully consider a more long-term reauthorization of the Highway Trust Fund and also minimize disruption and provide some stability for State transportation programs dependent on funding from the Highway Trust Fund.

EXPLANATION OF PROVISION

The expenditure authority for the Highway Trust Fund is extended through May 31, 2015. The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the “Highway and Transportation Funding Act of 2014.” The provision also extends the expenditure authority of, and updates the Code provisions governing, the Leaking Underground Storage Tank Trust Fund and the Sport Fish Restoration and Boating Trust Fund.

EFFECTIVE DATE

The provision is effective on the date of enactment.

<sup>3</sup>Sec. 9503(e)(1).

<sup>4</sup>Sec. 9503(e)(2).

<sup>5</sup>The short title for Pub. L. No. 112-141 is “MAP-21” and the law is also known as the “Moving Ahead for Progress in the 21st Century Act.”

<sup>6</sup>Sec. 9503(c)(1).

B. FUNDING OF THE HIGHWAY TRUST FUND (SEC. 2002 OF THE BILL AND SECS. 9503(f) AND 9508(c) OF THE CODE)

PRESENT LAW

Public Law No. 110–318, “an Act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance” transferred, out of money in the Treasury not otherwise appropriated, \$8,017,000,000 to the Highway Trust Fund effective September 15, 2008. Public Law No. 111–46, “an Act to restore sums to the Highway Trust Fund,” transferred, out of money in the Treasury not otherwise appropriated, \$7 billion to the Highway Trust Fund effective August 7, 2009. The Hiring Incentives to Restore Employment Act transferred, out of money in the Treasury not otherwise appropriated, \$14,700,000,000 to the Highway Trust Fund and \$4,800,000,000 to the Mass Transit Account in the Highway Trust Fund.<sup>7</sup>

MAP–21 provided that, out of money in the Treasury not otherwise appropriated, the following transfers were to be made from the General Fund to the Highway Trust Fund:

	FY 2013	FY 2014
Highway Account .....	\$6.2 billion	\$10.4 billion
Mass Transit Account .....	---	\$2.2 billion

MAP–21 also transferred \$2.4 billion from the Leaking Underground Storage Tank Trust Fund to the Highway Account in the Highway Trust Fund.<sup>8</sup>

REASONS FOR CHANGE

Both the Highway Account and the Mass Transit Account of the Highway Trust Fund are nearing insolvency. If Congress does not act, it is anticipated that the Mass Transit Account will have only \$1 billion available by the end of this fiscal year, and the Highway Account is expected to experience a shortfall by August 2014.<sup>9</sup> As a result, the Department of Transportation has notified State transportation authorities that beginning August 1, 2014, for programs funded out of the Highway Account, the Department of Transportation will undertake cash management procedures that will limit payments and eliminate “same-day” reimbursements to States.<sup>10</sup> Instead, payments will be made twice a month and incoming funds will be distributed in proportion to each State’s Federal formula apportionment in this fiscal year.

The Committee believes that additional funding for the Highway Trust Fund should be provided in an amount that is sufficient to avoid short-term disruption of Federally-funded transportation programs, while giving Congress enough time to stabilize that Trust Fund’s finances over the longer term. The Committee further believes that this additional, short-term funding should be provided

<sup>7</sup>The Hiring Incentives to Restore Employment Act (the “HIRE” Act), Pub. L. No. 111–147, sec. 442.

<sup>8</sup>Moving Ahead for Progress in the 21st Century Act (“MAP–21”), Pub. L. No. 112–141, sec. 40201(a)(2) and sec. 40251.

<sup>9</sup>U.S. Department of Transportation, *Highway Trust Fund Ticker* (July 9, 2014). <http://www.dot.gov/highway-trust-fund-ticker>

<sup>10</sup>See e.g., Anthony R. Foxx, *Letter of Anthony R. Foxx, Secretary of Transportation, to John R. Cooper, Transportation Director, Alabama Department of Transportation* (July 1, 2014).

to the Highway Trust Fund in a manner that is budget-neutral and does not involve permanent tax increases.

#### EXPLANATION OF PROVISION

The provision transfers from the General Fund \$7.765 billion to the Highway Account of the Highway Trust Fund and \$2 billion to the Mass Transit Account of the Highway Trust Fund. The provision also transfers \$1 billion from the Leaking Underground Storage Tank Trust Fund to the Highway Account of the Highway Trust Fund.

#### EFFECTIVE DATE

The provision is effective on the date of enactment.

#### C. PENSION FUNDING STABILIZATION (SEC. 2003 OF THE BILL AND SECS. 430 AND 436 OF THE CODE)

##### PRESENT LAW

##### *Minimum funding rules*

A defined benefit plan maintained by a single employer is subject to minimum funding rules that generally require the sponsoring employer to make a certain level of contribution for each plan year to fund plan benefits.<sup>11</sup> The minimum funding rules for single-employer defined benefit plans were substantially revised by the Pension Protection Act of 2006 (“PPA”).<sup>12</sup>

##### *Minimum required contributions*

###### *In general*

The minimum required contribution for a plan year for a single-employer defined benefit plan generally depends on a comparison of the value of the plan’s assets, reduced by any prefunding balance or funding standard carryover balance (“net value of plan assets”),<sup>13</sup> with the plan’s funding target and target normal cost. The plan’s funding target for a plan year is the present value of all benefits accrued or earned as of the beginning of the plan year. A plan’s target normal cost for a plan year is generally the present

<sup>11</sup>Sec. 412 of the Code and section 302 of the Employee Retirement Income Security Act of 1974 (“ERISA”). For purposes of whether a plan is maintained by a single employer, certain related entities, such as the members of a controlled group, are treated as a single employer. Different funding rules apply to multiemployer and multipleemployer defined benefit plans, which are types of plans maintained by two or more unrelated employers. A number of exceptions to the minimum funding rules apply. For example, governmental plans (within the meaning of section 414(d)) and church plans (within the meaning of section 414(e)) are generally not subject to the minimum funding rules. Under section 4971, an excise tax applies if the minimum funding requirements are not satisfied.

<sup>12</sup>Pub. L. No. 109–280. The PPA minimum funding rules for single-employer plans are generally effective for plan years beginning after December 31, 2007. Subsequent changes were made by the Worker, Retiree, and Employer Recovery Act of 2008 (“WRERA”), Pub. L. No. 110–458; the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 (“PRA 2010”), Pub. L. No. 111–192; and the Moving Ahead for Progress in the 21st Century Act (“MAP-21”), Pub. L. No. 112–141, discussed further herein.

<sup>13</sup>The value of plan assets is generally reduced by any prefunding balance or funding standard carryover balance in determining minimum required contributions. A prefunding balance results from plan contributions that exceed the minimum required contributions. A funding standard carryover balance results from a positive balance in the funding standard account that applied under the funding requirements in effect before PPA. Subject to certain conditions, a prefunding balance or funding standard carryover balance may be credited against the minimum required contribution for a year, reducing the amount that must be contributed.

value of benefits expected to accrue or to be earned during the plan year.

If the net value of plan assets is less than the plan's funding target, so that the plan has a funding shortfall (discussed further below), the minimum required contribution is the sum of the plan's target normal cost and the shortfall amortization charge for the plan year (determined as described below).<sup>14</sup> If the net value of plan assets is equal to or exceeds the plan's funding target, the minimum required contribution is the plan's target normal cost, reduced by the amount, if any, by which the net value of plan assets exceeds the plan's funding target.

#### *Shortfall amortization charge*

The shortfall amortization charge for a plan year is the sum of the annual shortfall amortization installments attributable to the shortfall bases for that plan year and the six previous plan years. Generally, if a plan has a funding shortfall for the plan year, a shortfall amortization base must be established for the plan year.<sup>15</sup> A plan's funding shortfall is the amount by which the plan's funding target exceeds the net value of plan assets. The shortfall amortization base for a plan year is: (1) the plan's funding shortfall, minus (2) the present value, determined using the segment interest rates (discussed below), of the aggregate total of the shortfall amortization installments that have been determined for the plan year and any succeeding plan year with respect to any shortfall amortization bases for the six previous plan years. The shortfall amortization base is amortized in level annual installments ("shortfall amortization installments") over a seven-year period beginning with the current plan year and using the segment interest rates (discussed below).<sup>16</sup>

The shortfall amortization base for a plan year may be positive or negative, depending on whether the present value of remaining installments with respect to amortization bases for previous years is more or less than the plan's funding shortfall. If the shortfall amortization base is positive (that is, the funding shortfall exceeds the present value of the remaining installments), the related shortfall amortization installments are positive. If the shortfall amortization base is negative, the related shortfall amortization installments are negative. The positive and negative shortfall amortization installments for a particular plan year are netted when adding them up in determining the shortfall amortization charge for the plan year, but the resulting shortfall amortization charge cannot be

<sup>14</sup>If the plan has obtained a waiver of the minimum required contribution (a funding waiver) within the past five years, the minimum required contribution also includes the related waiver amortization charge, that is, the annual installment needed to amortize the waived amount in level installments over the five years following the year of the waiver.

<sup>15</sup>If the value of plan assets, reduced only by any prefunding balance if the employer elects to apply the prefunding balance against the required contribution for the plan year, is at least equal to the plan's funding target, no shortfall amortization base is established for the year.

<sup>16</sup>Under PRA 2010, employers were permitted to elect to use one of two alternative extended amortization schedules for up to two "eligible" plan years during the period 2008–2011. The use of an extended amortization schedule has the effect of reducing the amount of the shortfall amortization installments attributable to the shortfall amortization base for the eligible plan year. However, the shortfall amortization installments attributable to an eligible plan year may be increased by an additional amount, an "installment acceleration amount," in the case of employee compensation exceeding \$1 million, extraordinary dividends, or stock redemptions within a certain period of the eligible plan year.

less than zero (i.e., negative amortization installments may not offset normal cost).

If the net value of plan assets for a plan year is at least equal to the plan's funding target for the year, so the plan has no funding shortfall, any shortfall amortization bases and related shortfall amortization installments are eliminated.<sup>17</sup> As indicated above, if the net value of plan assets exceeds the plan's funding target, the excess is applied against target normal cost in determining the minimum required contribution.

*Interest rate used to determine target normal cost and funding target*

The minimum funding rules for single-employer plans specify the interest rates and certain other actuarial assumptions that must be used in determining the present value of benefits for purposes of a plan's target normal cost and funding target.

Present value is generally determined using three interest rates ("segment" rates), each of which applies to benefit payments expected to be made from the plan during a certain period.<sup>18</sup> The first segment rate applies to benefits reasonably determined to be payable during the five-year period beginning on the first day of the plan year;<sup>19</sup> the second segment rate applies to benefits reasonably determined to be payable during the 15-year period following the initial five-year period; and the third segment rate applies to benefits reasonably determined to be payable at the end of the 15-year period. Under the funding rules as enacted in PPA ("PPA" rules), each segment rate is a single interest rate determined monthly by the Secretary of the Treasury ("Secretary"), on the basis of a corporate bond yield curve, taking into account only the portion of the yield curve based on corporate bonds maturing during the particular segment rate period. The corporate bond yield curve used for this purpose reflects the average, for the 24-month period ending with the preceding month, of yields on investment grade corporate bonds with varying maturities and that are in the top three quality levels available. The Internal Revenue Service ("IRS") publishes the segment rates each month.

Under MAP-21, for plan years beginning after December 31, 2011, a segment rate determined under the PPA rules is adjusted if it falls outside a specified percentage range of the average segment rates for a preceding period. In particular, if a segment rate determined under the PPA rules is less than the applicable minimum percentage in the specified range, the segment rate is adjusted upward to match the minimum percentage. If a segment rate determined under the PPA rules is more than the applicable maximum percentage in the specified range, the segment rate is adjusted downward to match the maximum percentage. For this purpose, an average segment rate is the average of the segment

<sup>17</sup> Any amortization base relating to a funding waiver for a previous year is also eliminated.

<sup>18</sup> Solely for purposes of determining minimum required contributions, in lieu of the segment rates, an employer may elect to use interest rates on a yield curve based on the yields on investment grade corporate bonds for the month preceding the month in which the plan year begins (i.e., without regard to the 24-month averaging described above) ("monthly yield curve"). If an election to use a monthly yield curve is made, it cannot be revoked without IRS approval.

<sup>19</sup> Subject to an exception for small plans with no more than 100 participants, the annual valuation date for a plan must be the first day of the plan year. Thus, except for small plans with valuation dates other than the first day of the plan year, the period for which the first segment rate applies begins on the valuation date.

rates determined under the PPA rules for the 25-year period ending September 30 of the calendar year preceding the calendar year in which the plan year begins. The Secretary is to determine average segment rates on an annual basis and may prescribe equivalent rates for any years in the 25-year period for which segment rates determined under the PPA rules are not available. The Secretary is directed to publish the average segment rates each month.

The specified percentage range (that is, the range from the applicable minimum percentage to the applicable maximum percentage) for a plan year is determined by reference to the calendar year in which the plan year begins as follows:

- 90 percent to 110 percent for 2012,
- 85 percent to 115 percent for 2013,
- 80 percent to 120 percent for 2014,
- 75 percent to 125 percent for 2015, and
- 70 percent to 130 percent for 2016 or later.

#### *Funding-related benefit restrictions*

Special rules may apply to a plan if its funding target attainment percentage is below a certain level.<sup>20</sup> A plan's funding target attainment percentage for a plan year is the ratio, expressed as a percentage, that the net value of plan assets bears to the plan's funding target for the year. Because a plan's funding target is a component of the plan's funding target attainment percentage, the interest rate used in determining the plan's funding target generally applies also in determining the plan's funding target attainment percentage.<sup>21</sup>

Restrictions on benefit increases, certain types of benefit payments ("prohibited payments") and benefit accruals (collectively referred to as "benefit restrictions") may apply to a plan if the plan's adjusted funding target attainment percentage is below a certain level.<sup>22</sup> The plan's adjusted funding target attainment percentage is determined in the same way as its funding target attainment percentage, except that the net value of plan assets and the plan's funding target are both increased by the aggregate amount of purchases of annuities for employees, other than highly compensated employees, made by the plan during the two preceding plan years. Although anti-cutback rules generally prohibit reductions in benefits that have already been earned under a plan,<sup>23</sup> reductions required to comply with the benefit restrictions are permitted.

Under these rules, a prohibited payment generally means (1) any payment in excess of the monthly benefit amount paid under a single life annuity (plus any social security supplement), or (2) any

<sup>20</sup>For example, funding target attainment percentage is used to determine whether a plan is in "at-risk" status, so that special actuarial assumptions ("at-risk assumptions") must be used in determining the plan's funding target and target normal cost. A plan is in at risk status for a plan year if, for the preceding year: (1) the plan's funding target attainment percentage, determined without regard to the at-risk assumptions, was less than 80 percent, and (2) the plan's funding target attainment percentage, determined using the at-risk assumptions (without regard to whether the plan was in at-risk status for the preceding year), was less than 70 percent. A similar test applies in order for an employer to be permitted to apply a prefunding balance against its required contribution, that is, for the preceding year, the ratio of the value of plan assets (reduced by any prefunding balance) must be at least 80 percent of the plan's funding target (determined without regard to the at-risk rules).

<sup>21</sup>The adjustments to the segment rates under MAP-21 do not apply for certain other purposes for which the segment rates are used, for example, in calculating the limits on deductible contributions to single-employer defined benefit plans under section 404.

<sup>22</sup>Code secs. 401(a)(29) and 436 and ERISA sec. 206(g).

<sup>23</sup>Code sec. 411(d)(6) and ERISA sec. 204(g).

payment for the purchase of an irrevocable commitment from an insurer to pay benefits. Prohibited payments generally may not be made if the plan's adjusted funding target attainment percentage is less than 60 percent. If a plan's adjusted funding target attainment percentage is at least 60 percent, but less than 80 percent, prohibited payments may be made, but subject to limits. In addition, prohibited payments may not be made during any period in which the plan sponsor is a debtor in a bankruptcy proceeding under Federal or State law unless the plan's adjusted funding target attainment percentage is at least 100 percent.

*Annual funding notice*

The plan administrator of a single-employer defined benefit plan must provide an annual funding notice to each participant and beneficiary, each labor organization representing such participants or beneficiaries, and the Pension Benefit Guaranty Corporation ("PBGC").<sup>24</sup> In addition to the information required to be provided in all funding notices, in the case of a single-employer defined benefit plan, the notice must include (1) the plan's funding target attainment percentage for the plan year to which the notice relates and the two preceding plan years, (2) the value of the plan's assets and benefit liabilities (that is, the present value of benefits owed under the plan) for the plan year and the two preceding years, determined in the same manner as under the funding rules, and (3) the value of the plan's assets and benefit liabilities as of the last day of the plan year to which the notice relates, determined using the fair market value of plan assets (rather value determined under the funding rules) and, in computing benefit liabilities, the interest rates used in computing variable-rate PBGC premiums.<sup>25</sup>

Under MAP-21, additional information must be included in the annual funding notice in the case of an applicable plan year. For this purpose, an applicable plan year is any plan year beginning after December 31, 2011, and before January 1, 2015, for which (1) the plan's funding target, determined using segment rates as adjusted to reflect average segment rates ("adjusted" segment rates), is less than 95 percent of the funding target determined without regard to adjusted segment rates, (2) the plan has a funding shortfall, determined without regard to adjusted segment rates, greater than \$500,000, and (3) the plan had 50 or more participants on any day during the preceding plan year. Specifically, the notice must include (1) a statement that MAP-21 modified the method for determining the interest rates used to determine the actuarial value of benefits earned under the plan, providing for a 25-year average of interest rates to be taken into account in addition to a two-year average, (2) a statement that, as a result of MAP-21, the plan sponsor may contribute less money to the plan when interest rates are at historical lows, and (3) a table showing, for the applicable

<sup>24</sup> ERISA sec. 101(f), originally enacted by section 103 of the Pension Funding Equity Act of 2004, Pub. L. No. 108-218. Annual funding notice requirements, with some differences, apply also to multiemployer and multiple-employer plans.

<sup>25</sup> In applying the funding rules, the value of plan assets may be determined on the basis of average fair market values over a period of up to 24 months. PBGC variable-rate premiums are based on a plan's unfunded vested benefit liabilities, computed using the first, second and third segment rates as determined under the PPA rules (without adjustments under MAP-21), but based on a monthly corporate bond yield curve, rather than a yield curve reflecting average yields for a 24-month period.

plan year and each of the two preceding plan years,<sup>26</sup> the plan's funding target attainment percentage, funding shortfall, and the employer's minimum required contribution, each determined both using adjusted segment rates and without regard to adjusted segment rates.

#### REASONS FOR CHANGE

The interest rates used in valuing pension liabilities are intended to reflect market interest rates. However, interest rates in recent years have been low compared to average interest rates over the past 25 years. Recent low interest rates result in higher values for pension liabilities and higher required contributions in the near term. MAP-21 modified the interest rates used in valuing pension liabilities to give employers the option to effectively spread out the higher contributions over a longer period of time than would otherwise have been required. The Committee believes that continued low interest rates make it appropriate to extend the policy enacted in MAP-21.

#### EXPLANATION OF PROVISION

##### *Applicable minimum and maximum percentages*

The provision revises the specified percentage ranges (that is, the range from the applicable minimum percentage to the applicable maximum percentage of average segment rates) for determining whether a segment rate must be adjusted upward or downward.<sup>27</sup> Under the provision, the specified percentage range for a plan year is determined by reference to the calendar year in which the plan year begins as follows:

- 90 percent to 110 percent for 2012 through 2017,
- 85 percent to 115 percent for 2018,
- 80 percent to 120 percent for 2019,
- 75 percent to 125 percent for 2020, and
- 70 percent to 130 percent for 2021 or later.

##### *Prohibited payments in bankruptcy*

Under the provision, the adjusted segment rates do not apply for purposes of whether prohibited payments may be made from a plan during a period in which the plan sponsor is a debtor in a bankruptcy proceeding under Federal or State law, that is, for purposes of determining whether the plan's adjusted funding target attainment percentage is at least 100 percent. Thus, the plan's adjusted funding target attainment percentage, determined without regard to the adjusted segment rates, must be at least 100 percent in order for prohibited payments to be made.

##### *Periods for determining segment rates*

The provision revises the period of benefit payments to which the segment rates (or adjusted segment rates) apply. Under the provi-

<sup>26</sup>In the case of a preceding plan year beginning before January 1, 2012, only the plan's funding target attainment percentage, funding shortfall, and the employer's minimum required contribution determined without regard to adjusted segment rates are required to be provided.

<sup>27</sup>In addition, under the bill, for purposes of the additional information that must be provided in a funding notice for an applicable plan year, an applicable plan year includes any plan year that begins after December 31, 2011, and before January 1, 2020, and that otherwise meets the definition of applicable plan year.

sion, the first rate applies to benefits reasonably determined to be payable during the five-year period beginning on the plan's valuation date (rather than the first day of the plan year as under present law); the second segment rate applies to benefits reasonably determined to be payable during the 15-year period following the initial five-year period; and the third segment rate applies to benefits reasonably determined to be payable at the end of the 15-year period.<sup>28</sup>

#### EFFECTIVE DATE

The provisions relating to the applicable minimum and maximum percentages and periods for determining segment rates are generally effective for plan years beginning after December 31, 2012. Under a special rule, an employer may elect, for any plan year beginning before January 1, 2014, not to have these provisions apply either (1) for all purposes for which the provisions would otherwise apply, or (2) solely for purposes of determining the plan's adjusted funding target attainment percentage in applying the benefit restrictions for that year. A plan will not be treated as failing to meet the requirements of the anti-cutback rules solely by reason of an election under the special rule.

The provision relating to prohibited payments in bankruptcy generally applies to plan years beginning after December 31, 2014, or, in the case of a plan maintained pursuant to one or more collective bargaining agreements, to plan years beginning after December 31, 2015. If certain requirements are met, a plan amendment made pursuant to the provision may be retroactively effective, the plan will be treated as being operated in accordance with its terms during the period before the amendment, and the plan will not be treated as failing to meet the requirements of the anti-cutback rules solely by reason of the amendment. In order for this treatment to apply, the amendment must be made pursuant to the provision (or pursuant to any regulation issued by the Secretary or the Secretary of Labor under the provision), and the amendment must be made by the last day of the first plan year beginning on or after January 1, 2016, or such later date as the Secretary prescribes. In addition, the plan must be operated as if the plan amendment were in effect during the period (1) beginning on the date the provision (or regulation) takes effect (or, in the case of a plan amendment not required by the provision or regulation, the effective date specified in the plan), and (2) ending on the last day of the first plan year beginning on or after January 1, 2016, or such later date as the Secretary prescribes (or, if earlier, the date the amendment is adopted). The amendment must also apply retroactively for that period.

#### D. CUSTOMS USER FEES (SEC. 2004 OF THE BILL AND SEC. 58c(j)(3) OF TITLE 19 OF THE UNITED STATES CODE)

##### PRESENT LAW

Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") authorizes the Secretary of the Treas-

<sup>28</sup>The provision does not change the requirement that the valuation date for plans other than certain small plans must be the first day of the plan year. Thus, the provision does not change these periods for plans for which the valuation date must be the first day of the plan year.

ury to collect passenger and conveyance processing fees and the merchandise processing fees. Section 412 of the Homeland Security Act of 2002 authorizes the Secretary of the Treasury to delegate such authority to the Secretary of Homeland Security. COBRA has been extended on several occasions. The current authorization for the collection of the passenger and conveyance processing fees is through September 30, 2023. The current authorization for the collection of the merchandise processing fee is through September 30, 2023.

#### REASONS FOR CHANGE

The Committee believes it is appropriate to extend the specified Customs user fees.

#### EXPLANATION OF PROVISION

The provision extends the passenger and conveyance processing fees and the merchandise processing fee authorized under Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”) through September 30, 2024.

#### EFFECTIVE DATE

The provision is effective on the date of enactment.

### III. VOTES OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following statements are made concerning the votes of the Committee on Ways and Means in its consideration of H.R. 5021, the “Highway and Transportation Funding Act of 2014.”

#### VOTE ON AMENDMENT

The vote on the amendment by Mr. Blumenauer to the amendment in the nature of a substitute—which would shorten the proposed extension of the expenditure authority of the Highway Trust Fund and related programs, reduce the amount of additional funding for the Highway Trust Fund, strike the provision related to pension funding stabilization, add certain revenue-raising provisions, and add a Sense of the House of Representatives provision—was not agreed to by a roll call vote of 16 yeas to 23 nays (with a quorum being present). The vote was as follows:

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Camp .....		X	.....	Mr. Levin .....	X	.....	.....
Mr. Johnson .....		X	.....	Mr. Rangel .....	X	.....	.....
Mr. Brady .....		X	.....	Mr. McDermott .....	X	.....	.....
Mr. Ryan .....		X	.....	Mr. Lewis .....	X	.....	.....
Mr. Nunes .....		X	.....	Mr. Neal .....	X	.....	.....
Mr. Tiberi .....		X	.....	Mr. Becerra .....	X	.....	.....
Mr. Reichert .....		X	.....	Mr. Doggett .....	X	.....	.....
Mr. Boustany .....		X	.....	Mr. Thompson .....	X	.....	.....
Mr. Roskam .....		X	.....	Mr. Larson .....	X	.....	.....
Mr. Gerlach .....		X	.....	Mr. Blumenauer .....	X	.....	.....
Mr. Price .....		X	.....	Mr. Kind .....	X	.....	.....
Mr. Buchanan .....		X	.....	Mr. Pascrell .....	X	.....	.....
Mr. Smith .....		X	.....	Mr. Crowley .....	X	.....	.....
Mr. Schock .....		X	.....	Ms. Schwartz .....	X	.....	.....
Ms. Jenkins .....		X	.....	Mr. Davis .....	X	.....	.....

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Paulsen .....		X	.....	Ms. Sanchez .....	X	.....	.....
Mr. Marchant .....		X					
Ms. Black .....		X					
Mr. Reed .....		X					
Mr. Young .....		X					
Mr. Kelly .....		X					
Mr. Griffin .....		X					
Mr. Renacci .....		X					

#### MOTION TO REPORT RECOMMENDATIONS

The bill, H.R. 5021, was ordered favorably reported as amended by voice vote (with a quorum being present).

#### IV. BUDGET EFFECTS OF THE BILL

##### A. COMMITTEE ESTIMATE OF BUDGETARY EFFECTS

In compliance with clause 3(d) of rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effects on the budget of the revenue provisions of the bill, H.R. 5021, as reported.

The bill is estimated to have the following effects on Federal budget receipts for fiscal years 2014–2024:

ESTIMATED BUDGET EFFECTS OF THE REVENUE PROVISIONS CONTAINED IN H.R. 5021,  
THE "HIGHWAY AND TRANSPORTATION FUNDING ACT OF 2014,"  
AS REPORTED BY THE COMMITTEE ON WAYS AND MEANS

Fiscal Years 2014 - 2024

[Millions of Dollars]

Provision	Effective	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2014-19	2014-24
<b>Revenue Provisions</b>														
1. Extension of Highway Trust Fund Expenditure Authority (sunset 5/31/15).....	DOE													
2. Funding of the Highway Trust Fund - transfer \$7.765 billion from the General Fund to the Highway Account of the Highway Trust Fund and \$2.0 billion from the General Fund to the Mass Transit Account of the Highway Trust Fund; transfer \$1.0 billion from the Leaking Underground Storage Tank Trust Fund to the Highway Account of the Highway Trust Fund.....	DOE													
3. Modify the method of determining the interest rates used for calculating pension plan liabilities [1][2].....	generally pyba 12/31/12	749	2,732	4,206	4,701	4,082	2,250	238	-1,563	-3,191	-4,012	-3,804	18,720	6,387
4. Extension of Customs user fees (sunset 9/30/24) [3].....	DOE													3,542
<b>NET TOTAL</b> .....		<b>749</b>	<b>2,732</b>	<b>4,206</b>	<b>4,701</b>	<b>4,082</b>	<b>2,250</b>	<b>238</b>	<b>-1,563</b>	<b>-3,191</b>	<b>-4,012</b>	<b>-262</b>	<b>18,720</b>	<b>9,929</b>

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding. The date of enactment is assumed to be August 1, 2014.

Legend for "Effective" column: DOE = date of enactment

pyba = plan years beginning after

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2014-19	2014-24
[1] Interest rate to be adjusted if outside the following ranges of 25-year average rate: 90-110% for 2012-2017, 85-115% for 2018, 80-120% for 2019, 75-125% for 2020, and 70-130% for 2021 and after.													
[2] Estimate includes the following budget effects:													
Total Revenue Effect.....	749	2,717	4,136	4,551	3,872	2,015	23	-1,758	-3,321	-4,052	-3,779	18,040	5,152
On-budget effects.....	725	2,591	3,952	4,354	3,717	1,946	36	-1,668	-3,166	-3,877	-3,622	17,285	4,988
Off-budget effects.....	24	127	184	198	155	69	-14	-91	-155	-176	-157	757	164
Direct spending effects [4].....		15	70	150	210	235	215	195	130	40	-25	680	1,235

[3] Estimate provided by the Congressional Budget Office.

[4] Estimate provided by the Congressional Budget Office and reflects estimated effects on premiums paid to and benefits paid by the Pension Benefit Guaranty Corporation.

The bill is estimated to have the following General Fund and Trust Fund effects for fiscal years 2014–2024:



**Legend and Footnotes for the Table:**

Legend for "Effective" column: DOE = date of enactment

[1] Interest rate to be adjusted if outside the following ranges of 25-year average rate: 90-110% for 2012-2017, 85-115% for 2018, 80-120% for 2019, 75-125% for 2020, and 70-130% for 2021 and after.

[2] Estimate includes the following budget effects:

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2014-19	2014-24
Total Revenue Effect.....	749	2,717	4,136	4,551	3,872	2,015	23	-1,758	-3,321	-4,052	-3,779	18,040	5,152
On-budget effects.....	725	2,591	3,952	4,354	3,717	1,946	36	-1,568	-3,166	-3,877	-3,622	17,285	4,988
Off-budget effects.....	24	127	184	198	155	69	-14	-91	-155	-176	-157	757	164
Direct spending effects [5].....	---	15	70	150	210	235	215	195	130	40	-25	680	1,235

[3] Generally effective plan years beginning after December 31, 2012.

[4] Estimate provided by the Congressional Budget Office.

[5] Estimate provided by the Congressional Budget Office and reflects estimated effects on premiums paid to and benefits paid by the Pension Benefit Guaranty Corporation.

B. STATEMENT REGARDING NEW BUDGET AUTHORITY AND TAX  
EXPENDITURES BUDGET AUTHORITY

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee states that, with respect to the provisions of the bill that warranted a referral to the Committee on Ways and Means, the Congressional Budget Office (CBO) has found that pursuant to section 608 of H. Con. Res. 25, the Concurrent Resolution on the Budget, Fiscal Year 2014—as extended by section 113 of the Bipartisan Budget Act of 2013 (Public Law 113–67, Division A)—the transfer from the general fund of the Treasury to the Highway Trust Fund is considered to be new budget authority for budget enforcement purposes in the House of Representatives. The Committee states further that the bill involves no new or increased tax expenditures.

C. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET  
OFFICE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, requiring a cost estimate prepared by the CBO, the following statement by CBO is provided.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 11, 2014.*

Hon. DAVE CAMP,  
*Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5021, the Highway and Transportation Funding Act of 2014.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*H.R. 5021—Highway and Transportation Funding Act of 2014*

Summary: CBO estimates that enacting H.R. 5021 would reduce direct spending and increase revenues. In total, those changes would reduce budget deficits over the 2014–2024 period by an estimated \$9.9 billion. The legislation also would transfer about \$9.8 billion from the general fund of the Treasury to the Highway Trust Fund to facilitate continued spending from that trust fund. CBO’s estimate of the effect of H.R. 5021 on budget deficits does not include the effects of such a transfer; however, the budget resolution passed by the House of Representatives considers transfers from the general fund of the Treasury to the Highway Trust Fund to be new spending.<sup>1</sup>

<sup>1</sup> Transfers totaling \$9.8 billion from the general fund of the Treasury to the Highway Trust Fund would be authorized in section 2002 of the legislation. Section 113 of the Bipartisan Budget Act of 2013 (Public Law 113–67, Division A) extended the terms of section 608 of H. Con. Res. 25, the Concurrent Resolution on the Budget—Fiscal Year 2014. Pursuant to section 608,

Major provisions of the legislation would:

- Extend the spending authority for certain surface transportation programs,
- Extend the authority to collect fees charged by U.S. Customs and Border Protection, and
- Allow single-employer defined benefit pension plans to use higher interest rates when calculating their future liabilities for the 2013–2020 plan years. Using higher interest rates would reduce the minimum contributions that employers are required to make to such plans, leading to increases in offsetting receipts, direct spending, and revenues. CBO expects that the bill would increase the amount of underfunding in such plans.

Pay-as-you-go procedures apply because enacting the legislation would affect direct spending and revenues.

CBO has reviewed the nontax provisions of H.R. 5021 and determined that they contain no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. The staff of the Joint Committee on Taxation (JCT) has reviewed the tax provisions of H.R. 5021 and determined that they also contain no intergovernmental mandates.

CBO has determined that the nontax provisions of the bill would impose a private-sector mandate, as defined in UMRA, by extending customs fees. CBO estimates that the cost of the mandate would well exceed the annual threshold established in UMRA for private-sector mandates (\$152 million in 2014, adjusted annually for inflation). JCT has reviewed the tax provisions of H.R. 5021 and determined that they contain no private-sector mandates.

Estimated cost to the Federal Government: The estimated budgetary effects of H.R. 5021 are shown in the table on the following page. The costs of this legislation fall within budget functions 600 (income security) and 750 (administration of justice).

Basis of estimate: H.R. 5021 would reduce direct spending and increase revenues by a combined total of roughly \$9.9 billion between 2015 and 2024. The legislation would also increase spending subject to appropriation by an estimated \$2 billion, on an annualized basis, if the necessary funds were appropriated.

#### *Direct spending*

H.R. 5021 would reduce direct spending by about \$4.8 billion over the 2015–2024 period, CBO estimates.

Extension of Customs Fees. Under current law, certain fees collected by U.S. Customs and Border Protection will expire after September 30, 2023. The bill would extend COBRA fees (which were established in the Consolidated Omnibus Budget Reconciliation Act of 1985) and merchandise processing fees through September 30, 2024. CBO estimates that those changes would increase offsetting receipts (a credit against direct spending) by about \$3.5 billion in 2024.

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general fund transfers to the Highway Trust Fund are considered to be new budget authority and outlays for budget enforcement purposes in the House of Representatives.

	By fiscal year, in millions of dollars—												
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2014–2019	2014–2024
<b>CHANGES IN DIRECT SPENDING <sup>a</sup></b>													
Customs Fees:													
Estimated Budget Authority .....	0	0	0	0	0	0	0	0	0	0	0	0	–3,542
Estimated Outlays .....	0	0	0	0	0	0	0	0	0	0	0	0	–3,542
Pension Provisions:													
Estimated Budget Authority .....	0	–15	–70	–150	–210	–235	–215	–195	–130	–40	25	–680	–1,235
Estimated Outlays .....	0	–15	–70	–150	–210	–235	–215	–195	–130	–40	25	–680	–1,235
Total Changes:													
Estimated Budget Authority .....	0	–15	–70	–150	–210	–235	–215	–195	–130	–40	–3,517	–680	–4,777
Estimated Outlays .....	0	–15	–70	–150	–210	–235	–215	–195	–130	–40	–3,517	–680	–4,777
Estimated Revenues .....	749	2,717	4,136	4,551	3,872	2,015	23	–1,758	–3,321	–4,052	–3,779	18,040	5,152
<b>NET INCREASE OR DECREASE (–) IN THE DEFICIT FROM CHANGES IN DIRECT SPENDING AND REVENUES</b>													
Impact on the Deficit .....	–749	–2,732	–4,206	–4,701	–4,082	–2,250	–238	1,563	3,191	4,012	262	–18,720	–9,929
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>													
Estimated Authorization Level .....	0	2,000	0	0	0	0	0	0	0	0	0	0	2,000
Estimated Outlays .....	0	340	580	400	260	220	140	40	0	0	0	0	1,800

Sources: CBO and staff of the Joint Committee on Taxation.  
<sup>a</sup>The bill's provision to extend spending authority for certain surface transportation programs through May 2015 would allow for spending that would not happen under current law. However, the continuation of spending at current (annualized) levels is assumed in CBO's baseline projections, as required by the Balanced Budget and Emergency Deficit Control Act. Therefore, enacting the extension in H.R. 5021 would have no effect relative to those baseline projections.

**Modification of Pension Calculation.** Employers are required to pay premiums to the Pension Benefit Guaranty Corporation (PBGC) that are based on the amount of underfunding of their pension plans. By reducing the amounts that employers must contribute to their plans, the bill would increase the amount of underfunding and thereby increase the premiums paid to the PBGC. Also, to the extent that employers terminate their plans in the next 10 years, PBGC will assume those plans' assets and pay pension benefits to those retirees. Under the bill, the greater amount of underfunding would probably cause some plans to be terminated more quickly than under current law, while some other plans that would have been terminated anyway would have fewer assets for PBGC to assume; both of those differences would increase costs for PBGC. Based on information from PBGC, CBO estimates that the increased premium income and higher federal payments for retirees' benefits would, on net, reduce direct spending by \$1.2 billion over the 2015–2024 period.

**Extension of the Authorization for Surface Transportation Provisions.** H.R. 5021 would extend provisions of MAP–21 (The Moving Ahead for Progress in the 21st Century Act, Public Law 112–141), the most recent authorization for highway and transit programs, through May 2015. That law authorizes programs administered by the Federal Highway Administration, the Federal Transit Administration, the National Highway Traffic Safety Administration, and the Federal Motor Carrier Safety Administration. However, the continuation of spending at current (annualized) levels is assumed in CBO's baseline projections, as required by the Balanced Budget and Emergency Deficit Control Act. Because H.R. 5021 would extend spending authority at the current level (on an annualized basis), it would have no effect on spending relative to those baseline projections.

#### *Revenues*

H.R. 5021 would modify the method of determining the interest rates that certain sponsors of pension plans use when calculating their required contributions to certain defined benefit plans. Through 2020, sponsors that maintain single-employer defined benefit plans would be allowed to use higher interest rates than under current law, resulting in lower contributions by employers to those plans initially and higher contributions in the latter years of the baseline period. Such contributions are tax-deductible, so a reduction in their amount would increase firms' taxable income.

JCT estimates that those and other pension provisions of H.R. 5021 would increase revenues by about \$18.0 billion over the 2014–2019 period and by about \$5.2 billion over the 2014–2024 period. A portion of those estimated increases in revenues—about \$0.8 billion over the 2014–2019 period and \$0.2 billion over the 2014–2024 period—would stem from Social Security taxes, which are classified as off-budget.

#### *Spending subject to appropriation*

H.R. 5021 would authorize the appropriation of funds for the construction of certain new transit projects that operate on fixed routes (for example, subway and light rail projects), for certain transportation-related grants to tribal governments, and for certain

programs operated by the Pipeline and Hazardous Materials Administration. CBO estimates that the bill would authorize the appropriation of \$2 billion, on an annualized basis, for fiscal year 2015.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in the following table. For pay-as-you-go purposes, only on-budget effects are included; thus, additional revenues that would be paid into Social Security's trust funds under H.R. 5021 are excluded from this table.



Estimated impact on state, local, and tribal governments: CBO has reviewed the nontax provisions of H.R. 5021 and determined that they contain no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. JCT has reviewed the tax provisions of H.R. 5021 and determined that they also contain no intergovernmental mandates.

Estimated impact on the private sector: CBO has determined that the nontax provisions of H.R. 5021 would impose a private-sector mandate, as defined in UMRA, by extending customs fees for one year. CBO estimates that those fees would total about \$3.5 billion in 2024. Consequently, the cost of the mandate would well exceed the annual threshold established in UMRA for private-sector mandates (\$152 million in 2014, adjusted annually for inflation). JCT has reviewed the tax provisions of H.R. 5021 and determined that they contain no private-sector mandates.

Estimate prepared by: Federal spending: Sarah Puro, Mark Grabowicz, and Sheila Dacey; Federal revenues: Mark Booth and the staff of the Joint Committee on Taxation; Impact on state, local, and tribal governments: Mike Hirsch and Leo Lex; Impact on the private sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

#### D. MACROECONOMIC IMPACT ANALYSIS

In compliance with clause 3(h)(2) of rule XIII of the Rules of the House of Representatives, the following statement is made by the Joint Committee on Taxation with respect to the provisions of the bill amending the Internal Revenue Code of 1986: the effects of the bill on economic activity are so small as to be incalculable within the context of a model of the aggregate economy.

### V. OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE

#### A. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives (relating to oversight findings), the Committee advises that it was as a result of the Committee's review of the provisions of H.R. 5021 that warranted a referral to the Committee on Ways and Means that the Committee concluded that it is appropriate to report the bill favorably to the House of Representatives with the recommendation that the bill do pass.

#### B. STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee advises that the provisions that warranted a referral to the Committee on Ways and Means contain no measures that authorize funding for specific programs supported by the Highway Trust Fund, so no statement of general performance goals and objectives for which any measure authorizes funding is required.

### C. INFORMATION RELATING TO UNFUNDED MANDATES

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104–4).

Among the provisions of the bill that warranted a referral to the Committee on Ways and Means, the Committee has determined that the bill’s tax provisions do not contain any Federal private sector mandates—and do not impose a Federal intergovernmental mandate on State, local, or tribal governments—within the meaning of Public Law No. 104–4, the Unfunded Mandates Reform Act of 1995 (UMRA). The Committee also states that, according to the Congressional Budget Office (CBO), the provision related to Customs user fees would impose a private-sector mandate, as defined by UMRA, but would not impose intergovernmental mandates or costs on state, local, or tribal governments.

### D. APPLICABILITY OF HOUSE RULE XXI 5(b)

Clause 5(b) of rule XXI of the Rules of the House of Representatives provides, in part, that “A bill or joint resolution, amendment, or conference report carrying a Federal income tax rate increase may not be considered as passed or agreed to unless so determined by a vote of not less than three-fifths of the Members voting, a quorum being present.” The Committee has carefully reviewed the provisions of the bill, and states that the provisions of the bill do not involve any Federal income tax rate increases within the meaning of the rule.

### E. TAX COMPLEXITY ANALYSIS

Section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998 (the “IRS Reform Act”) requires the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Department of the Treasury) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code and has widespread applicability to individuals or small businesses.

Pursuant to clause 3(h)(1) of rule XIII of the Rules of the House of Representatives, the staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that amend the Code and have “widespread applicability” to individuals or small businesses within the meaning of that section.

### F. CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee has carefully reviewed the provisions of the bill that warranted a referral to the Committee on Ways and Means, and states that such provisions do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of the rule.

#### G. DUPLICATION OF FEDERAL PROGRAMS

In compliance with Sec. 3(j)(2) of H. Res. 5 (113th Congress), the Committee states that, with respect to provisions that warranted a referral to the Committee on Ways and Means, the Government Accountability Office has included the Highway Trust Fund and related programs and Customs user fees in reports to Congress pursuant to section 21 of Public Law 111–139. The Committee also states that, with respect to provisions that warranted a referral to the Committee on Ways and Means, the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169), identified programs related to the Leaking Underground Storage Tank Trust Fund.

#### H. DISCLOSURE OF DIRECTED RULE MAKINGS

In compliance with Sec. 3(k) of H. Res. 5 (113th Congress), the following statement is made concerning directed rule makings: The Committee estimates that the provisions of the bill that warranted a referral to the Committee on Ways and Means require no directed rule makings within the meaning of such section.

### VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### MAP-21

\* \* \* \* \*

## DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

### TITLE I—FEDERAL-AID HIGHWAYS

#### Subtitle A—Authorizations and Programs

\* \* \* \* \*

#### SEC. 1102. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Subject to subsection (e), and notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

- (1) \$39,699,000,000 for fiscal year 2013; [and]
- (2) \$40,256,000,000 for fiscal year 2014[.]; and
- (3) \$26,800,569,863 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations under or for—

(1) \* \* \*

\* \* \* \* \*  
 (10) section 105 of title 23, United States Code (but, for each of fiscal years 2005 through ~~2011~~ 2012, only in an amount equal to \$639,000,000 for each of those fiscal years);

\* \* \* \* \*  
 (12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2014, only in an amount equal to \$639,000,000 for each of those fiscal years, *and for the period beginning on October 1, 2014, and ending on May 31, 2015, only in an amount equal to \$639,000,000, less any reductions that would have otherwise been required for that year by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), then multiplied by <sup>243</sup>/<sub>365</sub> for that period*).

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2013 through 2014 *and for the period beginning on October 1, 2014, and ending on May 31, 2015*, the Secretary—

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

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

    (A) *amounts provided for administrative expenses and programs; and*

\* \* \* \* \*  
 (2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts *or, for the period beginning on October 1, 2014, and ending May 31, 2015, that is equal to <sup>243</sup>/<sub>365</sub> of such unobligated balance—*

    (A) \* \* \*

\* \* \* \* \*

(3) shall determine the proportion that—

    (A) the obligation authority provided by subsection (a) for the fiscal year *or period*, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

    (B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for the fiscal year *or period*), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than

programs to which paragraph (1) applies) that are allocated by the Secretary under this Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) \* \* \*

(B) the amounts authorized to be appropriated for each such program for the fiscal year *or period*; and

(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the national highway performance program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under [section 204] *sections 202 and 204* of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year *or period*; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year *or period*.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2013 through [2014] 2015—

(1) \* \* \*

\* \* \* \* \*

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2013 through 2014 *and for the period beginning on October 1, 2014, and ending on May 31, 2015*, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for the fiscal year *or period* for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year *or period* because of the imposition of any obligation limitation for the fiscal year *or period*.

\* \* \* \* \*

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in [section 133(c)] *section 133(b)* of title 23, United States Code.

\* \* \* \* \*

**SEC. 1123. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

(a) \* \* \*

\* \* \* \* \*

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated \$30,000,000 out of the general fund of the Treasury to carry out the program for each of fiscal years 2013 and 2014 and \$19,972,603 out of the general fund of the Treasury to carry out the program for the period beginning on October 1, 2014, and ending on May 31, 2015.

\* \* \* \* \*

**DIVISION C—TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY**

**TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012**

\* \* \* \* \*

**Subtitle A—Highway Safety**

**SEC. 31101. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

- (A) \$235,000,000 for fiscal year 2013; [and]
- (B) \$235,000,000 for fiscal year 2014[.]; and
- (C) \$156,452,055 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

- (A) \$110,500,000 for fiscal year 2013; [and]
- (B) \$113,500,000 for fiscal year 2014[.]; and
- (C) \$75,563,014 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

- (A) \$265,000,000 for fiscal year 2013; [and]
- (B) \$272,000,000 for fiscal year 2014[.]; and
- (C) \$181,084,932 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

- (A) \$5,000,000 for fiscal year 2013; [and]
- (B) \$5,000,000 for fiscal year 2014[.]; and

- (C) \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015.
- (5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2009 of SAFETEA-LU (23 U.S.C. 402 note)—
  - (A) \$29,000,000 for fiscal year 2013; [and]
  - (B) \$29,000,000 for fiscal year 2014[.]; and
  - (C) \$19,306,849 for the period beginning on October 1, 2014, and ending on May 31, 2015.
- (6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this subtitle—
  - (A) \$25,500,000 for fiscal year 2013; [and]
  - (B) \$25,500,000 for fiscal year 2014[.]; and
  - (C) \$16,976,712 for the period beginning on October 1, 2014, and ending on May 31, 2015.

\* \* \* \* \*

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and in this subtitle, amounts made available under subsection (a) for fiscal years 2013 and 2014 *and for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

\* \* \* \* \*

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**SAFETEA-LU**

\* \* \* \* \*

**TITLE II—HIGHWAY SAFETY**

\* \* \* \* \*

**SEC. 2009. HIGH VISIBILITY ENFORCEMENT PROGRAM.**

(a) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall establish and administer a program under which at least 3 high-visibility traffic safety law enforcement campaigns will be carried out for the purposes specified in subsection (b) in each of fiscal years 2013 and 2014 *and in the period beginning on October 1, 2014, and ending on May 31, 2015*. The Administrator may also initiate and support additional campaigns in each of fiscal years 2013 and 2014 *and in the period beginning on October 1, 2014, and ending on May 31, 2015*, for the purposes specified in subsection (b).

\* \* \* \* \*

**TITLE IV—MOTOR CARRIER SAFETY**

\* \* \* \* \*

## Subtitle A—Commercial Motor Vehicle Safety

### SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

(a) \* \* \*

(c) GRANT PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) the following sums for the following Federal Motor Carrier Safety Administration programs:

(1) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.—For commercial driver’s license program improvement grants under section 31313 of title 49, United States Code \$30,000,000 for each of fiscal years 2013 and 2014 *and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015.*

(2) BORDER ENFORCEMENT GRANTS.—For border enforcement grants under section 31107 of such title \$32,000,000 for each of fiscal years 2013 and 2014 *and \$21,304,110 for the period beginning on October 1, 2014, and ending on May 31, 2015.*

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—For the performance and registration information system management grant program under section 31109 of such title \$5,000,000 for each of fiscal years 2013 and 2014 *and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015.*

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act, \$25,000,000 for each of fiscal years 2013 and 2014 *and \$16,643,836 for the period beginning on October 1, 2014, and ending on May 31, 2015.*

(5) SAFETY DATA IMPROVEMENT GRANTS.—For safety data improvement grants under section 4128 of this Act, \$3,000,000 for each of fiscal years 2013 and 2014 *and \$1,997,260 for the period beginning on October 1, 2014, and ending on May 31, 2015.*

\* \* \* \* \*

### SEC. 4127. OUTREACH AND EDUCATION.

(a) \* \* \*

\* \* \* \* \*

(e) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$4,000,000 to the Federal Motor Carrier Safety Administration for each of fiscal years 2013 and 2014 *and \$2,663,014 to the Federal Motor Carrier Safety Administration for the period beginning on October 1, 2014, and ending on May 31, 2015,* to carry out this section (other than subsection (f)).

\* \* \* \* \*

**SEC. 4134. GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.**

(a) \* \* \*

\* \* \* \* \*

(c) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$1,000,000 for each of fiscal years 2005 through 2014 *and \$665,753 for the period beginning on October 1, 2014, and ending on May 31, 2015*, to carry out this section.

\* \* \* \* \*

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**TITLE 23, UNITED STATES CODE**

\* \* \* \* \*

**CHAPTER 4—HIGHWAY SAFETY**

\* \* \* \* \*

**§ 403. Highway safety research and development**

(a) \* \* \*

\* \* \* \* \*

(f) COOPERATIVE RESEARCH AND EVALUATION.—

(1) ESTABLISHMENT AND FUNDING.—Notwithstanding the apportionment formula set forth in section 402(c)(2), \$2,500,000 of the total amount available for apportionment to the States for highway safety programs under subsection 402(c) in each fiscal year *ending before October 1, 2014, and \$1,664,384 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

\* \* \* \* \*

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**TITLE 49, UNITED STATES CODE**

\* \* \* \* \*

**SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS**

\* \* \* \* \*

**CHAPTER 51—TRANSPORTATION OF HAZARDOUS MATERIAL**

\* \* \* \* \*

**§ 5128. Authorization of appropriations**

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

- (1) \$42,338,000 for fiscal year 2013; [and]
- (2) \$42,762,000 for fiscal year 2014[.]; and
- (3) \$28,468,948 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—  
[From the]

(1) FISCAL YEARS 2013 AND 2014.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend, during each of fiscal years 2013 and 2014—

- [(1)] (A) \$188,000 to carry out section 5115;
- [(2)] (B) \$21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than \$13,650,000 shall be available to carry out section 5116(b);
- [(3)] (C) \$150,000 to carry out section 5116(f);
- [(4)] (D) \$625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and
- [(5)] (E) \$1,000,000 to carry out section 5116(j).

(2) FISCAL YEAR 2015.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend for the period beginning on October 1, 2014, and ending on May 31, 2015—

- (A) \$125,162 to carry out section 5115;
- (B) \$14,513,425 to carry out subsections (a) and (b) of section 5116, of which not less than \$9,087,534 shall be available to carry out section 5116(b);
- (C) \$99,863 to carry out section 5116(f);
- (D) \$416,096 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and
- (E) \$665,753 to carry out section 5116(j).

(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(i), the Secretary may expend \$4,000,000 for each of the fiscal years 2013 and 2014 and \$2,663,014 for the period beginning on October 1, 2014, and ending on May 31, 2015, to carry out section 5107(e).

\* \* \* \* \*

**CHAPTER 53—PUBLIC TRANSPORTATION**

\* \* \* \* \*

**§ 5311. Formula grants for rural areas**

(a) \* \* \*

\* \* \* \* \*

(c) APPORTIONMENTS.—

(1) PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—Of the amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(E) to carry out this paragraph, the following amounts shall be apportioned each fiscal

year for grants to Indian tribes for any purpose eligible under this section, under such terms and conditions as may be established by the Secretary:

(A) \$5,000,000 for each fiscal year ending before October 1, 2014, and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be distributed on a competitive basis by the Secretary.

(B) \$25,000,000 for each fiscal year ending before October 1, 2014, and \$16,643,836 for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be apportioned as formula grants, as provided in subsection (j).

\* \* \* \* \*

**§ 5336. Apportionment of appropriations for formula grants**

(a) \* \* \*

\* \* \* \* \*

(h) APPORTIONMENTS.—Of the amounts made available for each fiscal year under section 5338(a)(2)(C)—

(1) \$30,000,000 for each fiscal year ending before October 1, 2014, and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be set aside to carry out section 5307(h);

\* \* \* \* \*

**§ 5338. Authorizations**

(a) FORMULA GRANTS.—

(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5318, 5322(d), 5335, 5337, 5339, and 5340, and section 20005(b) of the Federal Public Transportation Act of 2012, \$8,478,000,000 for fiscal year 2013 [and \$8,595,000,000 for fiscal year 2014], \$8,595,000,000 for fiscal year 2014, and \$5,722,150,685 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

(A) \$126,900,000 for fiscal year 2013 [and \$128,800,000 for fiscal year 2014], \$128,800,000 for fiscal year 2014, and \$85,749,041 for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be available to carry out section 5305;

(B) \$10,000,000 for each of fiscal years 2013 and 2014 and \$6,657,534 for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;

(C) \$4,397,950,000 for fiscal year 2013 [and \$4,458,650,000 for fiscal year 2014], \$4,458,650,000 for fiscal year 2014, and \$2,968,361,507 for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

(D) \$254,800,000 for fiscal year 2013 ~~and \$258,300,000 for fiscal year 2014~~, *\$258,300,000 for fiscal year 2014, and \$171,964,110 for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

(E) \$599,500,000 for fiscal year 2013 ~~and \$607,800,000 for fiscal year 2014~~, *\$607,800,000 for fiscal year 2014, and \$404,644,932 for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available to provide financial assistance for rural areas under section 5311, of which not less than \$30,000,000 for fiscal year 2013 ~~and \$30,000,000 for fiscal year 2014~~, *\$30,000,000 for fiscal year 2014, and \$19,972,603 for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available to carry out section 5311(c)(1) and \$20,000,000 for fiscal year 2013 ~~and \$20,000,000 for fiscal year 2014~~, *\$20,000,000 for fiscal year 2014, and \$13,315,068 for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available to carry out section 5311(c)(2);

(F) \$3,000,000 for each of fiscal years 2013 and 2014 *and \$1,997,260 for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available for bus testing under section 5318;

(G) \$5,000,000 for each of fiscal years 2013 and 2014 *and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available for the national transit institute under section 5322(d);

(H) \$3,850,000 for each of fiscal years 2013 and 2014 *and \$2,563,151 for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available to carry out section 5335;

(I) \$2,136,300,000 for fiscal year 2013 ~~and \$2,165,900,000 for fiscal year 2014~~, *\$2,165,900,000 for fiscal year 2014, and \$1,441,955,342 for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available to carry out section 5337;

(J) \$422,000,000 for fiscal year 2013 ~~and \$427,800,000 for fiscal year 2014~~, *\$427,800,000 for fiscal year 2014, and \$284,809,315 for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be available for the bus and bus facilities program under section 5339; and

(K) \$518,700,000 for fiscal year 2013 ~~and \$525,900,000 for fiscal year 2014~~, *\$525,900,000 for fiscal year 2014, and \$350,119,726 for the period beginning on October 1, 2014, and ending on May 31, 2015*, shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311.

(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—There are authorized to be appropriated to carry out section 5312, \$70,000,000 for fiscal year 2013 ~~and \$70,000,000 for fiscal year 2014~~, *\$70,000,000 for fiscal year 2014, and \$46,602,740*

for the period beginning on October 1, 2014, and ending on May 31, 2015.

(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—There are authorized to be appropriated to carry out section 5313, \$7,000,000 for fiscal year 2013 [and \$7,000,000 for fiscal year 2014], \$7,000,000 for fiscal year 2014, and \$4,660,274 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—There are authorized to be appropriated to carry out section 5314, \$7,000,000 for fiscal year 2013 [and \$7,000,000 for fiscal year 2014], \$7,000,000 for fiscal year 2014, and \$4,660,274 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(e) HUMAN RESOURCES AND TRAINING.—There are authorized to be appropriated to carry out subsections (a), (b), (c), and (e) of section 5322, \$5,000,000 for fiscal year 2013 [and \$5,000,000 for fiscal year 2014], \$5,000,000 for fiscal year 2014, and \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015.

\* \* \* \* \*

(g) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309, \$1,907,000,000 for fiscal year 2013 [and \$1,907,000,000 for fiscal year 2014], \$1,907,000,000 for fiscal year 2014, and \$1,269,591,781 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(h) ADMINISTRATION.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, \$104,000,000 for fiscal year 2013 [and \$104,000,000 for fiscal year 2014], \$104,000,000 for fiscal year 2014, and \$69,238,356 for the period beginning on October 1, 2014, and ending on May 31, 2015.

(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than \$5,000,000 for each of fiscal years 2013 and 2014 and not less than \$3,328,767 for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be available to carry out section 5329.

(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than \$1,000,000 for each of fiscal years 2013 and 2014 and not less than \$665,753 for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be available to carry out section 5326.

\* \* \* \* \*

**§ 5339. Bus and bus facilities formula grants**

(a) \* \* \*

\* \* \* \* \*

(d) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(J) shall be distributed as follows:

(1) NATIONAL DISTRIBUTION.—\$65,500,000 for each of fiscal years 2013 and 2014 and \$43,606,849 for the period beginning on October 1, 2014, and ending on May 31, 2015, shall be allocated to all States and territories, with each State receiving \$1,250,000 for each such fiscal year and \$832,192 for such pe-

*riod and each territory receiving \$500,000 for each such fiscal year and \$332,877 for such period.*

\* \* \* \* \*

**SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS**

\* \* \* \* \*

**PART B—COMMERCIAL**

\* \* \* \* \*

**CHAPTER 311—COMMERCIAL MOTOR VEHICLE SAFETY**  
**SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS PROGRAMS**

\* \* \* \* \*

**§ 31104. Availability of amounts**

(a) IN GENERAL.—Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102—

(1) \* \* \*

\* \* \* \* \*

- (8) \$215,000,000 for fiscal year 2013; **[and]**
- (9) \$218,000,000 for fiscal year 2014**【.】**; and
- (10) \$145,134,247 for the period beginning on October 1, 2014, and ending on May 31, 2015.

\* \* \* \* \*

(i) ADMINISTRATIVE EXPENSES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

(A) \* \* \*

\* \* \* \* \*

- (H) \$251,000,000 for fiscal year 2013; **[and]**
- (I) \$259,000,000 for fiscal year 2014**【.】**; and
- (J) \$172,430,137 for the period beginning on October 1, 2014, and ending on May 31, 2015.

\* \* \* \* \*

(k) HIGH-PRIORITY ACTIVITIES.—

(1) \* \* \*

(2) SET ASIDE.—The Secretary may set aside from amounts made available by subsection (a) up to \$15,000,000 for each of fiscal years 2006 through 2014 and up to \$9,986,301 for the period beginning on October 1, 2014, and ending on May 31, 2015, for States, local governments, and organizations representing government agencies or officials described in paragraph (3) for carrying out high priority activities and projects

that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations (including activities and projects that are national in scope), increase public awareness and education, demonstrate new technologies, and reduce the number and rate of accidents involving commercial motor vehicles.

\* \* \* \* \*

SUBCHAPTER III—SAFETY REGULATION

\* \* \* \* \*

**§ 31144. Safety fitness of owners and operators**

(a) \* \* \*

\* \* \* \* \*

(g) SAFETY REVIEWS OF NEW OPERATORS.—

(1) \* \* \*

\* \* \* \* \*

(5) NEW ENTRANT AUDITS.—

(A) \* \* \*

(B) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to \$32,000,000 per fiscal year *and up to \$21,304,110 for the period beginning on October 1, 2014, and ending on May 31, 2015*, for audits of new entrant motor carriers conducted pursuant to this paragraph.

\* \* \* \* \*

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**DINGELL-JOHNSON SPORT FISH RESTORATION ACT**

\* \* \* \* \*

SEC. 4. (a) IN GENERAL.—For each fiscal year through 2014 *and for the period beginning on October 1, 2014, and ending on May 31, 2015*, the balance of each annual appropriation made in accordance with the provisions of section 3 remaining after the distributions for administrative expenses and other purposes under subsection (b) and for multistate conservation grants under section 14 shall be distributed as follows:

(1) \* \* \*

\* \* \* \* \*

(b) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—

(1) IN GENERAL.—

(A) SET-ASIDE FOR ADMINISTRATION.—From the annual appropriation made in accordance with section 3, **[for each of fiscal years 2006 through 2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,]** *for each fiscal year ending before October 1, 2014, and for the period beginning on October 1, 2014, and ending on May 31, 2015*, the Secretary of the Interior may use no more than the amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in the

implementation of this Act, in accordance with this section and section 9. The amount specified in subparagraph (B) for a fiscal year may not be included in the amount of the annual appropriation distributed under subsection (a) for the fiscal year.

\* \* \* \* \*

**INTERNAL REVENUE CODE OF 1986**

\* \* \* \* \*

**Subtitle A—Income Taxes**

\* \* \* \* \*

**CHAPTER 1—NORMAL TAXES AND SURTAXES**

\* \* \* \* \*

**Subchapter D—Deferred Compensation, Etc**

\* \* \* \* \*

**PART III—RULES RELATING TO MINIMUM FUNDING STANDARDS AND BENEFIT LIMITATIONS**

\* \* \* \* \*

**Subpart A—Minimum Funding Standards for Pension Plans**

**SEC. 430. MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.**

(a) \* \* \*

\* \* \* \* \*

(h) ACTUARIAL ASSUMPTIONS AND METHODS.—

(1) \* \* \*

(2) INTEREST RATES.—

(A) \* \* \*

(B) INTEREST RATES FOR DETERMINING FUNDING TARGET.—For purposes of determining the funding target and target normal cost of a plan for any plan year, the interest rate used in determining the present value of the benefits of the plan shall be—

(i) in the case of benefits reasonably determined to be payable during the 5-year period beginning on [the first day of the plan year] *the valuation date for the plan year*, the first segment rate with respect to the applicable month,

\* \* \* \* \*

(C) SEGMENT RATES.—For purposes of this paragraph—

(i) \* \* \*

\* \* \* \* \*

(iv) SEGMENT RATE STABILIZATION.—

(I) \* \* \*

(II) APPLICABLE MINIMUM PERCENTAGE; APPLICABLE MAXIMUM PERCENTAGE.—For purposes of subclause (I), the applicable minimum percentage and the applicable maximum percentage for a plan year beginning in a calendar year shall be determined in accordance with the following table:

If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012.....	90%	110%
2013.....	85%	115%
2014.....	80%	120%
2015.....	75%	125%
After 2015.....	70%	130%.】

<i>If the calendar year is:</i>	<i>The applicable minimum percentage is:</i>	<i>The applicable maximum percentage is:</i>
<i>2012, 2013, 2014, 2015, 2016, or 2017.</i>	<i>90% .....</i>	<i>110%</i>
<i>2018 .....</i>	<i>85% .....</i>	<i>115%</i>
<i>2019 .....</i>	<i>80% .....</i>	<i>120%</i>
<i>2020 .....</i>	<i>75% .....</i>	<i>125%</i>
<i>After 2020 .....</i>	<i>70% .....</i>	<i>130%</i>

\* \* \* \* \*

**Subpart B—Benefit Limitations Under Single-Employer Plans**

**SEC. 436. FUNDING-BASED LIMITS ON BENEFITS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.**

(a) \* \* \*

\* \* \* \* \*

(d) LIMITATIONS ON ACCELERATED BENEFIT DISTRIBUTIONS.—

(1) \* \* \*

(2) BANKRUPTCY.—A defined benefit plan which is a single-employer plan shall provide that, during any period in which the plan sponsor is a debtor in a case under title 11 or similar Federal or State law, the plan may not pay any prohibited payment. The preceding sentence shall not apply on or after the date on which the enrolled actuary of the plan certifies that the adjusted funding target attainment percentage 【of such plan】 *of such plan (determined by not taking into account any adjustment of segment rates under section 430(h)(2)(C)(iv))* is not less than 100 percent.

\* \* \* \* \*

**Subtitle I—Trust Fund Code**

\* \* \* \* \*

**CHAPTER 98—TRUST FUND CODE**

\* \* \* \* \*

**Subchapter A—Establishment of Trust Funds**

\* \* \* \* \*

**SEC. 9503. HIGHWAY TRUST FUND.**

(a) \* \* \*

(b) TRANSFER TO HIGHWAY TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES.—

(1) \* \* \*

\* \* \* \* \*

(6) LIMITATION ON TRANSFERS TO HIGHWAY TRUST FUND.—

(A) \* \* \*

(B) EXCEPTION FOR PRIOR OBLIGATIONS.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before **[October 1, 2014]** *June 1, 2015*, in accordance with the provisions of this section.

(c) EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) FEDERAL-AID HIGHWAY PROGRAM.—Except as provided in subsection (e), amounts in the Highway Trust Fund shall be available, as provided by appropriation Acts, for making expenditures before **[October 1, 2014]** *June 1, 2015*, to meet those obligations of the United States heretofore or hereafter incurred which are authorized to be paid out of the Highway Trust Fund under the **[MAP-21]** *Highway and Transportation Funding Act of 2014* or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).

\* \* \* \* \*

(e) ESTABLISHMENT OF MASS TRANSIT ACCOUNT.—

(1) \* \* \*

\* \* \* \* \*

(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Mass Transit Account shall be available, as provided by appropriation Acts, for making capital or capital related expenditures (including capital expenditures for new projects) before **[October 1, 2014]** *June 1, 2015*, in accordance with the **[MAP-21]** *Highway and Transportation Funding Act of 2014* or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).

\* \* \* \* \*

(f) DETERMINATION OF TRUST FUND BALANCES AFTER SEPTEMBER 30, 1998.—

(1) \* \* \*

\* \* \* \* \*

(5) *ADDITIONAL SUMS.*—*Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—*

(A) *\$7,765,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and*

(B) *\$2,000,000,000 to the Mass Transit Account in the Highway Trust Fund.*

(6) *ADDITIONAL INCREASE IN FUND BALANCE.*—*There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(3).*

[(5)] (7) *TREATMENT OF AMOUNTS.*—*Any amount appropriated or transferred under this subsection to the Highway Trust Fund shall remain available without fiscal year limitation.*

**SEC. 9504. SPORT FISH RESTORATION AND BOATING TRUST FUND.**

(a) \* \* \*

(b) **SPORT FISH RESTORATION AND BOATING TRUST FUND.**—

(1) \* \* \*

(2) **EXPENDITURES FROM TRUST FUND.**—*Amounts in the Sport Fish Restoration and Boating trust Fund shall be available, as provided by appropriation Acts, for making expenditures—*

(A) *to carry out the purposes of the Dingell-Johnson Sport Fish Restoration Act (as in effect on the date of the enactment of the [MAP-21] Highway and Transportation Funding Act of 2014),*

(B) *to carry out the purposes of section 7404(d) of the Transportation Equity Act for the 21st Century (as in effect on the date of the enactment of the [MAP-21] Highway and Transportation Funding Act of 2014), and*

(C) *to carry out the purposes of the Coastal Wetlands Planning, Protection and Restoration Act (as in effect on the date of the enactment of the [MAP-21] Highway and Transportation Funding Act of 2014).*

*Amounts transferred to such account under section 9503(c)(4) may be used only for making expenditures described in subparagraph (C) of this paragraph.*

\* \* \* \* \*

(d) **LIMITATION ON TRANSFERS TO TRUST FUND.**—

(1) \* \* \*

(2) **EXCEPTION FOR PRIOR OBLIGATIONS.**—*Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before [October 1, 2014] June 1, 2015, in accordance with the provisions of this section.*

\* \* \* \* \*

**SEC. 9508. LEAKING UNDERGROUND STORAGE TANK TRUST FUND.**

(a) \* \* \*

\* \* \* \* \*

(c) **EXPENDITURES.**—

(1) **IN GENERAL.**—*Except as provided in [paragraph (2)] paragraphs (2) and (3), amounts in the Leaking Underground*

Storage Tank Trust Fund shall be available, as provided in appropriation Acts, only for purposes of making expenditures to carry out sections 9003(h), 9003(i), 9003(j), 9004(f), 9005(c), 9010, 9011, 9012, and 9013 of the Solid Waste Disposal Act as in effect on the date of the enactment of the Public Law 109-168.

\* \* \* \* \*

(3) *ADDITIONAL TRANSFER TO HIGHWAY TRUST FUND.*—*Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated \$1,000,000,000 to be transferred under section 9503(f)(6) to the Highway Account (as defined in section 9503(e)(5)(B)) in the Highway Trust Fund.*

\* \* \* \* \*

(e) **LIMITATION ON TRANSFERS TO LEAKING UNDERGROUND STORAGE TANK TRUST FUND.**—

(1) \* \* \*

(2) **EXCEPTION FOR PRIOR OBLIGATIONS.**—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before **October 1, 2014** *June 1, 2015*, in accordance with the provisions of this section.

\* \* \* \* \*

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**EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974**

\* \* \* \* \*

**TITLE I—PROTECTION OF EMPLOYEE BENEFIT RIGHTS**

\* \* \* \* \*

**SUBTITLE B—REGULATORY PROVISIONS**

\* \* \* \* \*

**PART 1—REPORTING AND DISCLOSURE**

**DUTY OF DISCLOSURE AND REPORTING**

**SEC. 101. (a)** \* \* \*

\* \* \* \* \*

(f) **DEFINED BENEFIT PLAN FUNDING NOTICES.**—

(1) \* \* \*

(2) **INFORMATION CONTAINED IN NOTICES.**—

(A) \* \* \*

\* \* \* \* \*

(D) **EFFECT OF SEGMENT RATE STABILIZATION ON PLAN FUNDING.**—

(i) **IN GENERAL.**—In the case of a single-employer plan for an applicable plan year, each notice under paragraph (1) shall include—

(I) a statement that the *MAP-21 and the Highway and Transportation Funding Act of 2014*

modified the method for determining the interest rates used to determine the actuarial value of benefits earned under the plan, providing for a 25-year average of interest rates to be taken into account in addition to a 2-year average,

(II) a statement that, as a result of the MAP-21 and the Highway and Transportation Funding Act of 2014, the plan sponsor may contribute less money to the plan when interest rates are at historical lows, and

\* \* \* \* \*

(ii) APPLICABLE PLAN YEAR.—For purposes of this subparagraph, the term “applicable plan year” means any plan year beginning after December 31, 2011, and before January 1, ~~2015~~ 2020, for which—

(I) \* \* \*

\* \* \* \* \*

PART 2—PARTICIPATION AND VESTING

\* \* \* \* \*

OTHER PROVISIONS RELATING TO FORM AND PAYMENT OF BENEFITS

SEC. 206. (a) \* \* \*

\* \* \* \* \*

(g) FUNDING-BASED LIMITS ON BENEFITS AND BENEFIT ACCRUALS UNDER SINGLE-EMPLOYER PLANS.—

(1) \* \* \*

\* \* \* \* \*

(3) LIMITATIONS ON ACCELERATED BENEFIT DISTRIBUTIONS.—

(A) \* \* \*

(B) BANKRUPTCY.—A defined benefit plan which is a single-employer plan shall provide that, during any period in which the plan sponsor is a debtor in a case under title 11, United States Code, or similar Federal or State law, the plan may not pay any prohibited payment. The preceding sentence shall not apply on or after the date on which the enrolled actuary of the plan certifies that the adjusted funding target attainment percentage ~~of such plan~~ of such plan (determined by not taking into account any adjustment of segment rates under section 303(h)(2)(C)(iv)) is not less than 100 percent.

\* \* \* \* \*

PART 3—FUNDING

\* \* \* \* \*

SEC. 303. MINIMUM FUNDING STANDARDS FOR SINGLE-EMPLOYER DEFINED BENEFIT PENSION PLANS.

(a) \* \* \*

\* \* \* \* \*

(h) ACTUARIAL ASSUMPTIONS AND METHODS.—

(1) \* \* \*

(2) INTEREST RATES.—

(A) \* \* \*

(B) INTEREST RATES FOR DETERMINING FUNDING TARGET.—For purposes of determining the funding target and normal cost of a plan for any plan year, the interest rate used in determining the present value of the benefits of the plan shall be—

(i) in the case of benefits reasonably determined to be payable during the 5-year period beginning on [the first day of the plan year] *the valuation date for the plan year*, the first segment rate with respect to the applicable month,

\* \* \* \* \*

(C) SEGMENT RATES.—For purposes of this paragraph—

(i) \* \* \*

\* \* \* \* \*

(iv) SEGMENT RATE STABILIZATION.—

(I) \* \* \*

(II) APPLICABLE MINIMUM PERCENTAGE; APPLICABLE MAXIMUM PERCENTAGE.—For purposes of subclause (I), the applicable minimum percentage and the applicable maximum percentage for a plan year beginning in a calendar year shall be determined in accordance with the following table:

[If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012 .....	90%	110%
2013 .....	85%	115%
2014 .....	80%	120%
2015 .....	75%	125%
After 2015 .....	70%	130%.]

<i>If the calendar year is:</i>	<i>The applicable minimum percentage is:</i>	<i>The applicable maximum percentage is:</i>
2012, 2013, 2014, 2015, 2016, or 2017.	90% .....	110%
2018 .....	85% .....	115%
2019 .....	80% .....	120%
2020 .....	75% .....	125%
After 2020 .....	70% .....	130%

\* \* \* \* \*

**CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985**

\* \* \* \* \*

**SEC. 13031. FEES FOR CERTAIN CUSTOMS SERVICES.**

(a) \* \* \*

\* \* \* \* \*

(j) EFFECTIVE DATES.—(1) \* \* \*

\* \* \* \* \*

(3)(A) Fees may not be charged under paragraphs (9) and (10) of subsection (a) after **【September 30, 2023】** *September 30, 2024*.

(B)(i) Subject to clause (ii), Fees may not be charged under paragraphs (1) through (8) of subsection (a) after **【September 30, 2023】** *September 30, 2024*.

\* \* \* \* \*

## VII. ADDITIONAL VIEWS

There is no disagreement that the Committee on Ways and Means must not allow the financing of our nation's transportation and infrastructure programs to lapse. That notion was clearly evidenced by the Committee's support, by voice vote, to ensure that projects already underway would be funded, and projects to be scheduled in the short term would not be canceled.

What was missing was Republican support for a better alternative. Representative Earl Blumenauer offered an amendment at the markup that would place pressure on the Committee and the House, by the end of this Congress, to enact a long-term transportation authorization, through at least 2020. The amendment provided adequate funding to the Highway Trust Fund ("Trust Fund") to ensure continued long-term financing of our nation's surface transportation projects, and the proposal enjoyed the unanimous support of Committee Democrats. Consistent with their prior performance, Ways and Means Republicans unanimously rejected the notion that the Committee should commit to such a policy that offers certainty and stability, not to mention ensuring years of good-paying jobs.

However, when the Committee focuses on enacting short-term fixes, the momentum and drive behind enacting long-term policies run out of gas. In the last three-plus years, the Republican majority on this prestigious panel has failed to take advantage of its potential influence and responsibility to adequately fund the Trust Fund over the long term. In fact, this Committee has not held a single hearing on financing options for the Trust Fund since House Republicans assumed the majority, despite Democrats urging otherwise.

Six months ago, every Democrat on this committee requested that the Chairman hold a series of hearings on financing options. "Time is of the essence," we wrote in that January letter. Democrats repeated this request less than a month ago—still, no hearing.

Our infrastructure, once a point of pride around the world, is literally falling apart. The American Society of Civil Engineers gave our country's roads an overall grade of D in its 2013 report card. More and more of our nation's bridges are becoming structurally unsound. The Congressional Budget Office estimates that, in its current form, the Trust Fund will experience a shortfall of \$120 billion over the next 10 years. Federal inaction and short-term extensions create uncertainty at the state and local level, and hinder needed transportation investments.

Americans deserve better. They deserve a long-term solution from *this Congress* that provides certainty for states and local communities and construction workers alike, and that addresses our nation's overwhelming infrastructure needs.

We must acknowledge that our nation's transportation infrastructure requires reliable and sustainable funding. Funding the Trust Fund through the end of the year will continue the pressure on *this Congress* to reach that critical long-term solution.

Finally, given that the majority's legislation is using the same offsets used to pay for the bipartisan Senate-passed unemployment insurance extension and since Speaker Boehner has demanded that any action on this issue be attached to a jobs bill, House Republicans should take this opportunity to finally extend assistance to America's job seekers. In the more than six months since Republicans first blocked an extension of unemployment insurance, more than three million Americans have been cut off benefits—hurting both families and our economy.

SANDER M. LEVIN,  
*Ranking Member.*  
EARL BLUMENAUER.

