

**H.R. 5730, THE “SURFACE TRANSPORTATION EARMARK RESCISSION,
SAVINGS, AND ACCOUNTABILITY ACT”**
INTRODUCED BY REPRESENTATIVE BETSY MARKEY
July 14, 2010

SUMMARY

H.R. 5730, the “Surface Transportation Earmark Rescission, Savings, and Accountability Act”, **rescinds \$713.208 million** of Federal-aid highway contract authority for **309 Member-designated high priority projects** from four prior surface transportation authorization acts. **Any savings achieved from this legislation will reduce the Nation’s budget deficit.**

H.R. 5730 rescinds 309 Member-designated surface transportation projects, commonly referred to as highway earmarks, from four prior surface transportation authorization acts, including every surface transportation authorization act of the past two decades. The bill also requires the Secretary of Transportation to submit an annual report on highway earmarks that have inactive funds. Specifically, the bill:

- rescinds **all** remaining highway earmarks designated in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) (P.L. 100-17): **\$4.55 for 2 projects**;
- rescinds **all** remaining highway earmarks designated in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (P.L. 102-240): **\$263.543 million for 154 projects**;
- rescinds **all** highway projects designated in the Transportation Equity Act for the 21st Century (TEA 21) (P.L. 105-178) that have not obligated at least 10 percent of the funds authorized for the project: **\$441.475 million for 152 projects**;
- rescinds **all** High Priority Project program funds authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59) that were not designated for use on a specific project: **\$8.190 million for 1 project**; and
- requires the Secretary of Transportation to submit an annual report to the Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works identifying each project authorized under the high priority projects programs of TEA 21 or SAFETEA-LU that has inactive funds or has been completed in the previous fiscal year.

This summary includes a table prepared by the Committee on Transportation and Infrastructure Majority staff listing Member-designated surface transportation high priority projects

subject to rescission pursuant to H.R. 5730, the “Surface Transportation Earmark Rescission, Savings, and Accountability Act”.¹

SECTION-BY-SECTION OF THE LEGISLATION

Section 1. Short Title

Section 1 states that the Act may be referred to as the “Surface Transportation Earmark Rescission, Savings, and Accountability Act”.

Sec. 2. Rescission of Allocated Project Funds

Subsection (a) rescinds unobligated balances as of December 31, 2010, for all Member-designated high priority projects authorized under subsections (c) and (d) of section 149 of STURAA and sections 1103(b), 1104(b), 1105(f), 1106(a), 1106(b), 1107(b), and 1108(b) of ISTEA.

Subsection (b) rescinds unobligated balances as of September 30, 2011, for all Member-designated high priority projects authorized under section 1602 of TEA 21 that have obligated less than 10 percent of the amount authorized for the project.

Sec. 3. Repeal of Appalachian Development Highway System Corridor Designation

Section 3 repeals section 1117(d) of TEA 21, which statutorily designated Pennsylvania Corridor O-1 as part of the Appalachian Development Highway System (ADHS). Prior to this designation in 1998, no ADHS corridor had been designated by law. Since Corridor O-1 was designated 12 years ago, Pennsylvania has not acquired right-of-way for the project and has not proceeded to construction of this Appalachian highway. In October 2008, Pennsylvania formally requested that the Appalachian Regional Commission (ARC) redesignate the ADHS mileage from Corridor O-1. The ARC referred the issue to its Policy Committee for further consideration. Section 3 allows Pennsylvania and the Appalachian Regional Commission to make determinations regarding ADHS corridors in Pennsylvania without regard to this statutory earmark. This section does not affect Pennsylvania’s share of ADHS mileage and does not modify the cost-to-complete estimate of the ADHS.

Sec. 4. Rescission of Undesignated High Priority Project Funds

Section 4 rescinds \$8,190,355 of the amounts authorized for fiscal years 2005 through 2009 in section 1101(a)(16) of SAFETEA-LU to carry out the high priority projects program under 23 U.S.C. 117 that are not allocated for projects described in section 1702 of SAFETEA-LU.

¹ The Committee on Transportation and Infrastructure estimates that H.R. 5730 rescinds \$713.208 million of Federal-aid highway contract authority from prior surface transportation authorization acts for 309 Member-designated high priority projects. The Committee developed these estimates based on technical assistance provided by the Federal Highway Administration (FHWA). Under H.R. 5730, FHWA will determine the specific projects and associated unobligated balances of contract authority that are subject to rescission after the date of enactment of the Act.

Sec. 5. Report

Section 5 requires the Secretary of Transportation to submit an annual report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate identifying each project authorized under the High Priority Projects program of TEA 21 and the High Priority Projects, Projects of National Significance, National Corridor Infrastructure Improvement, Transportation Improvements, and Highway Bridge programs of SAFETEA-LU that has inactive funds or has been completed in the previous fiscal year. For such projects, the report shall include the amount authorized for the project, the unobligated balance of the project, and the specific statutory citations under which the project was authorized.