

SURFACE TRANSPORTATION SAVINGS ACT OF 2010

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JULY 15, 2010.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
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Mr. OBERSTAR, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 5604]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 5604) to rescind amounts authorized for certain surface transportation programs, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 5604, the “Surface Transportation Savings Act of 2010”, rescinds \$106.8 million of contract authority from the National Highway Traffic Safety Administration (NHTSA) and the Federal Transit Administration (FTA). Any savings achieved from this legislation will reduce the Nation’s budget deficit.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 5604 rescinds \$106.8 million of excess contract authority that was designated for programs within NHTSA and FTA that cannot be utilized by the agencies. H.R. 5604 rescinds excess contract authority from NHTSA’s safety belt performance grants, administrative expenses, National Driver Register, and research and development programs and FTA’s formula and bus grant programs. These programs received contract authority in the Hiring Incentives to Restore Employment Act (HIRE Act) (P.L. 111–147) at lev-

els greater than the funding levels provided to these programs under the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (division A of P.L. 111–117). The HIRE Act extends the highway, highway safety, and public transit programs through December 31, 2010, and provides contract authority for these programs for fiscal year (FY) 2010 and the first quarter of FY 2011.

National Highway Traffic Safety Administration’s Safety Belt Performance Grants

H.R. 5604 rescinds \$81.0 million of contract authority from NHTSA’s safety belt performance grants program (23 U.S.C. § 406).

The HIRE Act provides \$124.5 million in FY 2010 to carry out this incentive grant program. This funding level is equal to the level provided by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA–LU) (P.L. 109–59) in FY 2009.

According to NHTSA, only three States (Kansas, Rhode Island, and Massachusetts) are expected to qualify to receive an incentive grant under this program this year. Therefore, NHTSA requires no more than \$28.5 million in FY 2010 to carry out the authorized activities of this program, and the agency does not have the ability to redistribute unallocated funds.

These funds are not available for use by the agency in FY 2010, and H.R. 5604 rescinds the excess \$81 million in contract authority.¹

National Highway Traffic Safety Administration’s Administrative Expenses and National Driver Register and Research and Development Programs

In addition, H.R. 5604 rescinds \$8.5 million of contract authority from NHTSA’s administrative expenses and NDR and research and development programs.

The HIRE Act provides funding for NHTSA’s administrative expenses and these programs at levels greater than the funding levels provided by the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

Specifically, H.R. 5604 rescinds:

- \$6.4 million of contract authority authorized for NHTSA’s administrative expenses;
- \$1.8 million of contract authority authorized for NHTSA’s highway safety research and development program; and
- \$78,000 of amounts authorized for NHTSA to carry out the NDR.

These funds are not available for use by the agency in FY 2010, and H.R. 5604 rescinds the excess \$8.5 million in contract authority provided for these activities.

¹H.R. 4899, the “Supplemental Appropriations Act, 2010”, as passed by the Senate on May 27, 2010, redirects \$15 million of contract authority from the safety belt performance grants program to NHTSA’s vehicle safety program. These funds are provided to conduct critical vehicle safety research, including a study of sudden unintended acceleration of motor vehicles. H.R. 5604 does not affect this provision and these funds remain available for NHTSA’s vehicle safety program.

Transit Formula and Bus Grant Programs

Finally, H.R. 5604 rescinds \$17.4 million of contract authority from FTA's formula and bus grant programs.

The HIRE Act provides \$8.361 billion in FY 2010 to carry out FTA's formula and bus grant programs. This funding level is equal to the level provided by SAFETEA-LU in FY 2009. This funding level is \$17.4 million greater than the funding level provided by the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

These funds are not available for use by the agency in FY 2010, and H.R. 5604 rescinds the excess \$17.4 million in contract authority provided for these programs.

SUMMARY OF THE LEGISLATION

Section 1. Short title

Section 1 states that the Act may be referred to as "Surface Transportation Savings Act of 2010".

Sec. 2. Safety belt performance grants

Section 2 rescinds \$80,994,029 of amounts authorized for the NHTSA's safety belt performance grants in FY 2010. The amount rescinded under section 2 is reduced as necessary to ensure that \$28,505,971 is available to carry out the safety belt performance grants program in FY 2010.

Sec. 3. Administrative expenses

Section 3 rescinds \$6,547,000 of amounts authorized for administrative and related operating expenses of NHTSA in FY 2010.

Sec. 4. National driver register

Section 4 rescinds \$78,000 of amounts authorized for NHTSA to carry out the NDR in FY 2010.

Sec. 5. National Highway Traffic Safety Administration operations and research

Section 5 rescinds \$1,829,000 of amounts authorized for the NHTSA's highway safety research and development program in FY 2010.

Sec. 6. Transit formula and bus grants

Section 6 rescinds \$17,394,000 of amounts authorized for the FTA's formula programs and bus grants in FY 2010.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On June 25, 2010, Representative Thomas S. P. Perriello introduced H.R. 5604.

On July 1, 2010, the Committee on Transportation and Infrastructure met in open session to consider H.R. 5604. The Committee ordered H.R. 5604 reported favorably to the House by voice vote with a quorum present.

RECORD VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of

votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with consideration of H.R. 5604 or ordering the bill reported. A motion to order H.R. 5604 reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to recapture surface transportation contract authority currently provided to the Department of Transportation that cannot be used by the Department to further improve the safety, conditions, or performance of the nation's surface transportation system.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 5604 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, July 14, 2010.

Hon. JAMES L. OBERSTAR,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5604, the Surface Transportation Savings Act of 2010.

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. 5604—Surface Transportation Savings Act of 2010

H.R. 5604 would rescind about \$107 million in contract authority (a mandatory form of budget authority) for certain transportation programs administered by the Federal Highway Administration (FHWA), the National Highway Traffic Safety Administration (NHTSA), and the Federal Transit Administration (FTA). CBO estimates that enacting the bill would have no effect on direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

Spending of the contract authority targeted for rescission is controlled by limitations on obligations contained in appropriation acts and is therefore categorized as discretionary. The rescission of contract authority would have direct spending effects only if it would change outlays in 2010, for which the obligation limitations have already been set. Any effects in future years would depend on future appropriation actions.

By CBO's estimate, the rescissions in H.R. 5604 would not affect outlays in 2010. The contract authority currently available for FHWA, FTA, and NHTSA's administrative expenses exceeds the obligation limitations that have been enacted for 2010. Therefore, the contract authority for those agencies that would be rescinded by this bill would not be obligated or spent in 2010 and, under current law, will remain unavailable for spending until a future appropriation act sets an obligation limitation that would be high enough to encompass that amount.

Much of the contract authority that would be rescinded—\$81 million—was provided to NHTSA for seat belt performance grants. Though authority exists to obligate those funds, CBO expects that they will not be obligated this year in any event. Whether they would be obligated in future years, in the absence of this bill, would depend on obligation limitations set in future appropriation acts.

H.R. 5604 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Sarah Puro. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. H.R. 5604 does not contain any earmarks, limited tax benefits, or limited tariff benefits under clause 9(e), 9(f), or 9(g) of rule XXI.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure

finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (P.L. 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 5604 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (P.L. 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 5604 makes no changes in existing law.

ADDITIONAL VIEWS

The Committee report for H.R. 5604, the “Surface Transportation Savings Act of 2010” claims that this piece of legislation will reduce the Nation’s budget deficit. For the first nine months of fiscal year 2010 we are running a budget deficit of \$1 trillion. In order to reduce our budget deficit, Congress needs to reduce spending. Unfortunately this bill will have no impact on spending and therefore will not reduce the Nation’s budget deficit.

While H.R. 5604 rescinds approximately \$107 million in contract authority (a type of budget authority) from programs administered by the Department of Transportation; the Congressional Budget Office (CBO) has determined that H.R. 5604 will not have any impact on outlays or direct spending.

According to the Congressional Budget Office’s Glossary of Budget and Economic Terms, the budget deficit is defined as the amount by which the federal government’s total outlays exceed its total revenues. CBO’s official cost estimate for H.R. 5604 finds that the legislation will not reduce the federal government’s outlays. Therefore, H.R. 5604 will not reduce the Nation’s budget deficit.

JOHN L. MICA.

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