

118TH CONGRESS
2D SESSION

S. 5235

To provide additional contract authority to State departments of transportation to carry out surface transportation projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mrs. CAPITO (for herself and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide additional contract authority to State departments of transportation to carry out surface transportation projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fiscally Responsible
5 Highway Funding Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) SECRETARY.—The term “Secretary” means
9 the Secretary of Transportation.

1 (2) STATE.—The term “State” means any of
2 the 50 States and the District of Columbia.

3 (3) TIFIA PROGRAM.—The term “TIFIA pro-
4 gram” means the program for credit assistance
5 under chapter 6 of title 23, United States Code.

6 **SEC. 3. REDISTRIBUTION OF PRIOR TIFIA FUNDING.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, the Secretary shall distribute the amount of
9 contract authority described in subsection (b)(1) to States
10 in accordance with this section.

11 (b) FUNDING.—

12 (1) AMOUNT DESCRIBED.—Subject to para-
13 graph (2), the amount of contract authority referred
14 to in subsection (a) is \$1,800,000,000, which shall
15 be derived from the unobligated amounts of contract
16 authority made available for credit assistance
17 under—

18 (A) the transportation infrastructure fi-
19 nance and innovation program under sub-
20 chapter II of chapter 1 of title 23, United
21 States Code (as in effect before the date of en-
22 actment of SAFETEA-LU (Public Law 109–
23 59; 119 Stat. 1144)); and

24 (B) the TIFIA program.

1 (2) TREATMENT.—The amount distributed
2 under subsection (a) shall—

3 (A) be subject to the obligation limitation
4 for Federal-aid highway and highway safety
5 construction programs;

6 (B) remain available until September 30,
7 2028; and

8 (C) be in addition to any other funding ap-
9 portioned to States under section 104(b) of title
10 23, United States Code.

11 (c) DISTRIBUTION.—The amount distributed under
12 subsection (a) shall be distributed so that each State re-
13 ceives an amount equal to the proportion that—

14 (1) the amount apportioned to the State for fis-
15 cal year 2025 under subsection (b) of section 104 of
16 title 23, United States Code; bears to

17 (2) the total amount apportioned to all States
18 for fiscal year 2025 under that subsection.

19 (d) REQUIREMENTS.—Amounts distributed to States
20 under subsection (a) shall be—

21 (1) except as otherwise provided in this section,
22 administered as if apportioned under chapter 1 of
23 title 23, United States Code;

24 (2) available for any purpose described in sec-
25 tion 133(b) of that title;

1 (3) suballocated in the same manner described
2 in section 133(d) of that title; and

3 (4) subject to the requirements of section
4 11101(e) of the Infrastructure Investment and Jobs
5 Act (23 U.S.C. 101 note; Public Law 117–58).

6 (e) EFFECTIVE DATE.—This section shall take effect
7 as if enacted on October 1, 2024.

8 **SEC. 4. REDISTRIBUTION OF FISCAL YEAR 2025 TIFIA FUND-**
9 **ING.**

10 (a) DETERMINATION.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of law and subject to paragraph (2), on
13 April 1, 2025, the Secretary shall—

14 (A) determine the amount of contract au-
15 thority made available for credit assistance
16 under the TIFIA program for fiscal year 2025
17 pursuant to section 11101(a)(2) of the Infra-
18 structure Investment and Jobs Act (Public Law
19 117–58; 135 Stat. 443) that is estimated to re-
20 main unobligated in that fiscal year; and

21 (B) distribute to States, in accordance
22 with this section, 75 percent of the amount of
23 contract authority determined under subpara-
24 graph (A).

1 (2) TREATMENT.—The amounts distributed
2 under paragraph (1)(B) shall—

3 (A) be subject to the obligation limitation
4 for Federal-aid highway and highway safety
5 construction programs;

6 (B) remain available until September 30,
7 2028; and

8 (C) be in addition to any other funding ap-
9 portioned to States under section 104(b) of title
10 23, United States Code.

11 (b) DISTRIBUTION.—The amount distributed under
12 subsection (a)(1)(B) shall be distributed so that each
13 State receives an amount equal to the proportion that—

14 (1) the amount apportioned to the State for fis-
15 cal year 2025 under subsection (b) of section 104 of
16 title 23, United States Code; bears to

17 (2) the total amount apportioned to all States
18 for fiscal year 2025 under that subsection.

19 (c) REQUIREMENTS.—Amounts distributed to States
20 under subsection (a)(1)(B) shall be—

21 (1) except as otherwise provided in this section,
22 administered as if apportioned under chapter 1 of
23 title 23, United States Code;

24 (2) available for any purpose described in sec-
25 tion 133(b) of that title;

1 (3) suballocated in the same manner described
 2 in section 133(d) of that title; and

3 (4) subject to the requirements of section
 4 11101(e) of the Infrastructure Investment and Jobs
 5 Act (23 U.S.C. 101 note; Public Law 117–58).

6 **SEC. 5. REDISTRIBUTION OF FISCAL YEAR 2026 TIFIA FUND-**
 7 **ING.**

8 (a) DETERMINATION.—

9 (1) IN GENERAL.—Notwithstanding any other
 10 provision of law and subject to paragraph (2), on
 11 April 1, 2026, the Secretary shall—

12 (A) determine the amount of contract au-
 13 thority made available for credit assistance
 14 under the TIFIA program for fiscal year 2026
 15 pursuant to section 11101(a)(2) of the Infra-
 16 structure Investment and Jobs Act (Public Law
 17 117–58; 135 Stat. 443) that is estimated to re-
 18 main unobligated in that fiscal year; and

19 (B) distribute to States, in accordance
 20 with this section, 75 percent of the amount of
 21 contract authority determined under subpara-
 22 graph (A).

23 (2) TREATMENT.—The amounts distributed
 24 under paragraph (1)(B) shall—

1 (A) be subject to the obligation limitation
 2 for Federal-aid highway and highway safety
 3 construction programs;

4 (B) remain available until September 30,
 5 2029; and

6 (C) be in addition to any other funding ap-
 7 portioned to States under section 104(b) of title
 8 23, United States Code.

9 (b) DISTRIBUTION.—The amount distributed under
 10 subsection (a)(1)(B) shall be distributed so that each
 11 State receives an amount equal to the proportion that—

12 (1) the amount apportioned to the State for fis-
 13 cal year 2026 under subsection (b) of section 104 of
 14 title 23, United States Code; bears to

15 (2) the total amount apportioned to all States
 16 for fiscal year 2026 under that subsection.

17 (c) REQUIREMENTS.—Amounts distributed to States
 18 under subsection (a)(1)(B) shall be—

19 (1) except as otherwise provided in this section,
 20 administered as if apportioned under chapter 1 of
 21 title 23, United States Code;

22 (2) available for any purpose described in sec-
 23 tion 133(b) of that title;

24 (3) suballocated in the same manner described
 25 in section 133(d) of that title; and

1 (4) subject to the requirements of section
2 11101(e) of the Infrastructure Investment and Jobs
3 Act (23 U.S.C. 101 note; Public Law 117–58).

○