

105TH CONGRESS
1ST SESSION

H. R. 674

To authorize funds for construction of highways, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1997

Mr. DELAY (for himself, Mr. CONDIT, Mr. GINGRICH, Mr. HOSTETTLER, Ms. BROWN of Florida, Mr. BUYER, Mr. COBLE, Mr. WOLF, Mr. DICKEY, Mr. NORWOOD, Mr. BURTON of Indiana, Mr. HAMILTON, Mr. THORNBERRY, Mr. TANNER, Mr. GOODE, Mr. MCCOLLUM, Mr. BATEMAN, Mrs. CARSON, Mr. MCINTYRE, Mr. MCINTOSH, Mr. SENSENBRENNER, Mr. ORTIZ, Mr. BONILLA, Mr. SALMON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STEARNS, Mr. GOODLATTE, Mrs. FOWLER, Mr. SOUDER, Mr. PARKER, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. BRYANT, Mr. DEAL of Georgia, Mrs. MEEK of Florida, Mr. STENHOLM, Mr. SANDLIN, Mr. CANADY of Florida, Mr. BURR of North Carolina, Mr. FROST, Mr. ROEMER, Mr. EDWARDS, Mrs. NORTHUP, Mr. TAYLOR of North Carolina, Mr. ARCHER, Mr. PICKETT, Mr. BENTSEN, Mr. SESSIONS, Mr. COMBEST, Mr. PEASE, Mr. TURNER, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. HEFNER, Mr. SISISKY, Mr. CRAMER, Mr. GOSS, Mr. SCOTT, Mr. CALLAHAN, Mr. BALLENGER, Mr. EVERETT, Mr. BARTON of Texas, Mr. SMITH of Texas, Mr. MICA, Mr. JONES, Mr. BRADY, Mr. LUCAS of Oklahoma, Mr. WHITFIELD, Mr. JOHN, Mr. BAESLER, Mr. HALL of Texas, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Ms. JACKSON-LEE of Texas, Mrs. MYRICK, Mr. WATTS of Oklahoma, and Mr. HULSHOF) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize funds for construction of highways, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “ISTEA Integrity Restoration Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Declaration of policy.
- Sec. 3. Authorization of appropriations.
- Sec. 4. National Highway System.
- Sec. 5. Eligibility of Interstate maintenance activities.
- Sec. 6. Streamlined surface transportation program.
- Sec. 7. Population determinations.
- Sec. 8. Highway bridge replacement and rehabilitation activities.
- Sec. 9. Congestion mitigation and air quality improvement activities.
- Sec. 10. Apportionment adjustment program.
- Sec. 11. Repeal of set-asides for discretionary programs.
- Sec. 12. Technical correction to program administration set-aside.
- Sec. 13. Effective date; applicability; certain unobligated balances.

8 **SEC. 2. DECLARATION OF POLICY.**

9 Section 101 of title 23, United States Code, is
 10 amended by striking subsection (b) and inserting the fol-
 11 lowing:

12 “(b) DECLARATION OF POLICY.—Congress finds and
 13 declares the following:

14 “(1) The National Highway System is the foun-
 15 dation for the Nation’s unified, connected transpor-
 16 tation system. National policy for the National
 17 Highway System should be broadly focused, consid-
 18 ering all vital economic and mobility resources.

1 “(2) The national policy will direct our common
2 resources toward preservation and management of
3 our present transportation infrastructure. National
4 surface transportation policy should be directed to-
5 ward maintaining a safe, mobile, and economically
6 competitive transportation system for, and ensuring
7 the national security of, the United States.

8 “(3) While the National Highway System links
9 the United States to provide enhanced economic and
10 social mobility, the surface transportation needs of
11 each State and region differ greatly. The surface
12 transportation program should focus on the fun-
13 damental needs of the Nation’s transportation net-
14 work, while refraining from prescribing the form of
15 that network for all parts of the country.

16 “(4) The national surface transportation policy
17 must provide sufficient flexibility for States and lo-
18 calities to respond to diverse local needs.

19 “(5) National funding for surface transpor-
20 tation should be based on current, reasonable, and
21 appropriate revenue distribution formulas. Appro-
22 priate and adequate funding will enhance the ability
23 of all States to meet common goals in safety, mobil-
24 ity, and economic development.”.

1 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—For the purpose of carrying out
3 title 23, United States Code, the following sums are au-
4 thorized to be appropriated out of the Highway Trust
5 Fund (other than the Mass Transit Account):

6 (1) NATIONAL HIGHWAY SYSTEM.—For the Na-
7 tional Highway System under section 103 of title
8 23, United States Code, \$8,638,000,000 for fiscal
9 year 1998, \$8,782,000,000 for fiscal year 1999,
10 \$8,966,000,000 for fiscal year 2000,
11 \$9,147,000,000 for fiscal year 2001, and
12 \$9,345,000,000 for fiscal year 2002.

13 (2) SURFACE TRANSPORTATION PROGRAM.—
14 For the surface transportation program under sec-
15 tion 133 of that title \$12,958,000,000 for fiscal year
16 1998, \$13,173,000,000 for fiscal year 1999,
17 \$13,449,000,000 for fiscal year 2000,
18 \$13,720,000,000 for fiscal year 2001, and
19 \$14,018,000,000 for fiscal year 2002.

20 (3) FEDERAL LANDS HIGHWAYS PROGRAM.—

21 (A) INDIAN RESERVATION ROADS.—For
22 Indian reservation roads under section 204 of
23 that title \$196,000,000 for fiscal year 1998,
24 \$201,000,000 for fiscal year 1999,
25 \$207,000,000 for fiscal year 2000,

1 \$212,000,000 for fiscal year 2001, and
2 \$218,000,000 for fiscal year 2002.

3 (B) PUBLIC LANDS HIGHWAYS.—For pub-
4 lic lands highways under section 204 of that
5 title \$176,000,000 for fiscal year 1998,
6 \$181,000,000 for fiscal year 1999,
7 \$186,000,000 for fiscal year 2000,
8 \$191,000,000 for fiscal year 2001, and
9 \$196,000,000 for fiscal year 2002.

10 (C) PARKWAYS AND PARK ROADS.—For
11 parkways and park roads under section 204 of
12 that title \$86,000,000 for fiscal year 1998,
13 \$88,000,000 for fiscal year 1999, \$91,000,000
14 for fiscal year 2000, \$93,000,000 for fiscal year
15 2001, and \$96,000,000 for fiscal year 2002.

16 (b) OBLIGATION LIMITATIONS.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), notwithstanding any other provision of
19 law, any limitation on obligations established for any
20 of fiscal years 1998 through 2003 for funds appor-
21 tioned or allocated from the Highway Trust Fund
22 (other than the Mass Transit Account) shall apply
23 to all such apportionments and allocations, unless

1 the provision of law establishing the limitation spe-
2 cifically amends or limits the applicability of this
3 paragraph.

4 (2) EMERGENCY RELIEF.—Any limitation on
5 obligations described in paragraph (1) shall not
6 apply to any allocation made under section 125 of
7 title 23, United States Code.

8 **SEC. 4. NATIONAL HIGHWAY SYSTEM.**

9 (a) DEFINITIONS.—Section 101(a) of title 23, United
10 States Code, is amended—

11 (1) by adding at the end the following:

12 “The term ‘highway funds’ means, with respect to a
13 fiscal year, the funds apportioned and allocations author-
14 ized by the ISTEA Integrity Restoration Act and this title
15 to a State for the fiscal year, and the funds administra-
16 tively allocated to a State for the preceding fiscal year (if
17 any), for Federal-aid highways and highway safety con-
18 struction (other than funds made available for emergency
19 relief under section 125 and for the Federal lands high-
20 ways program under section 204).”; and

21 (2) by reordering the undesignated paragraphs
22 so that they are in alphabetical order.

23 (b) APPORTIONMENTS.—Section 104(b) of title 23,
24 United States Code, is amended by striking paragraph (1)
25 and inserting the following:

1 “(1) NATIONAL HIGHWAY SYSTEM.—For the
2 National Highway System, 0.4 percent to the Virgin
3 Islands, Guam, American Samoa, and the Common-
4 wealth of the Northern Mariana Islands and the re-
5 maining 99.6 percent apportioned as follows:

6 “(A) In the case of a State with an aver-
7 age population density of 20 persons or fewer
8 per square mile, and in the case of a State with
9 a population of 1,500,000 persons or fewer and
10 with a land area of 10,000 square miles or less,
11 the greater of—

12 “(i) a percentage share of appor-
13 tionments equal to the percentage specified for
14 the State in section 157(d); or

15 “(ii) a share determined under sub-
16 paragraph (B).

17 “(B) Subject to subparagraph (A), in the
18 case of any State for which the apportionment
19 is not determined under subparagraph (A)(i), a
20 share of the remaining apportionments deter-
21 mined in accordance with the following formula:

22 “(i) $\frac{1}{9}$ of the remaining appor-
23 tionments in the ratio that—

1 “(I) the total rural lane miles in
2 each State, as certified by the Sec-
3 retary; bears to

4 “(II) the total rural lane miles in
5 all States for which the apportionment
6 is not determined under subparagraph
7 (A)(i).

8 “(ii) $\frac{1}{9}$ of the remaining apportion-
9 ments in the ratio that—

10 “(I) the total rural vehicle miles
11 traveled in each State, as certified by
12 the Secretary; bears to

13 “(II) the total rural vehicle miles
14 traveled in all States for which the ap-
15 portionment is not determined under
16 subparagraph (A)(i).

17 “(iii) $\frac{2}{9}$ of the remaining apportion-
18 ments in the ratio that—

19 “(I) the total urban lane miles in
20 each State, as certified by the Sec-
21 retary; bears to

22 “(II) the total urban lane miles
23 in all States for which the apportion-
24 ment is not determined under sub-
25 paragraph (A)(i).

1 “(iv) $\frac{2}{9}$ of the remaining apportion-
2 ments in the ratio that—

3 “(I) the total urban vehicle miles
4 traveled in each State, as certified by
5 the Secretary; bears to

6 “(II) the total urban vehicle
7 miles traveled in all States for which
8 the apportionment is not determined
9 under subparagraph (A)(i).

10 “(v) $\frac{3}{9}$ of the remaining apportion-
11 ments in the ratio that—

12 “(I) the total diesel fuel used on
13 highways in each State, as certified by
14 the Secretary; bears to

15 “(II) the total diesel fuel used on
16 highways in all States for which the
17 apportionment is not determined
18 under subparagraph (A)(i).”.

19 (c) BRIDGES AS ELIGIBLE PROJECTS.—Section
20 103(i) of title 23, United States Code, is amended by add-
21 ing at the end the following:

22 “(14) Construction, reconstruction, resurfacing,
23 restoration, and rehabilitation of bridges on seg-
24 ments of the National Highway System.”.

1 **SEC. 5. ELIGIBILITY OF INTERSTATE MAINTENANCE AC-**
2 **TIVITIES.**

3 (a) ELIMINATION OF APPORTIONMENTS.—Section
4 104(b) of title 23, United States Code, is amended by
5 striking paragraph (5).

6 (b) FUNDING OF ACTIVITIES.—Section 119 of title
7 23, United States Code, is amended—

8 (1) in the section heading, by striking “**pro-**
9 **gram**” and inserting “**activities**”;

10 (2) in subsection (a)—

11 (A) in the first sentence—

12 (i) by striking “sections 103 and
13 139(c) of this title and routes on the Inter-
14 state System designated before the date of
15 enactment of this sentence under section
16 139(a) and (b) of”; and

17 (ii) by striking “subsection (e)” and
18 inserting “subsection (d)”; and

19 (B) by striking the second sentence and in-
20 serting the following: “Projects approved under
21 the preceding sentence shall be carried out
22 using funds apportioned in accordance with
23 paragraphs (1) and (3) of section 104(b).”;

24 (3) in subsection (b), by striking the third sen-
25 tence and all that follows;

26 (4) by striking subsections (d), (f), and (g); and

1 (5) by redesignating subsection (e) as sub-
2 section (d).

3 (c) CONFORMING AMENDMENTS.—

4 (1) The analysis for chapter 1 of title 23, Unit-
5 ed States Code, is amended by striking the item re-
6 lating to section 119 and inserting the following:

“119. Interstate maintenance activities.”.

7 (2) Section 104 of title 23, United States Code,
8 is amended—

9 (A) in the first sentence of subsection (a),
10 by striking “the National Highway System, and
11 the Interstate System” and inserting “and the
12 National Highway System”;

13 (B) in the matter preceding paragraph (1)
14 of subsection (b)—

15 (i) by striking “except as provided in
16 paragraph (5)(A) of this subsection”; and

17 (ii) by striking “the National Highway
18 System, and the Interstate System” and
19 inserting “and the National Highway Sys-
20 tem”; and

21 (C) in subsection (e)—

22 (i) in the first sentence, by striking
23 “(other than under subsection (b)(5) of
24 this section)”;

1 (ii) in the second sentence, by striking
2 “the sums which he has apportioned under
3 subsection (b)(5) of this section to each
4 State for such fiscal year, and also” and

5 (iii) in the last sentence, by striking “,
6 except that in the case of the Interstate
7 System the Secretary shall advise each
8 State ninety days prior to the apportion-
9 ment of such funds”.

10 (3) Section 115(b)(1) of title 23, United States
11 Code, is amended by striking “or 104(b)(5), as the
12 case may be,”.

13 (4) Section 137(f)(1) of title 23, United States
14 Code, is amended by striking “section 104(b)(5)(B)
15 of this title” and inserting “section 104(b)(3)”.

16 (5) Section 139 of title 23, United States Code,
17 is amended by striking “sections 104(b)(1) and
18 104(b)(5)(B) of this title” each place it appears and
19 inserting “section 104(b)(1)”.

20 (6) Section 141(c) of title 23, United States
21 Code, is amended by inserting “(as in effect on the
22 day before the date of enactment of the ISTEA In-
23 tegrity Restoration Act)” after “section 104(b)(5) of
24 this title” each place it appears.

1 (7) Section 142(c) of title 23, United States
2 Code, is amended by striking “(other than section
3 104(b)(5)(A))”.

4 (8) Section 158 of title 23, United States Code,
5 is amended—

6 (A) in subsection (a), by inserting “(as in
7 effect on the day before the date of enactment
8 of the ISTEIA Integrity Restoration Act)” after
9 “104(b)(5)” each place it appears; and

10 (B) by striking subsection (b) and insert-
11 ing the following:

12 “(b) EFFECT OF WITHHOLDING OF FUNDS.—No
13 funds withheld under this section from apportionment to
14 any State after September 30, 1988, shall be available for
15 apportionment to that State.”.

16 (9) Section 159 of title 23, United States Code,
17 is amended—

18 (A) by striking “(5) of” each place it ap-
19 pears and inserting “(5) (as in effect on the
20 day before the date of enactment of the ISTEIA
21 Integrity Restoration Act) of”; and

22 (B) in subsection (b)—

23 (i) in paragraph (1)(A)—

1 (I) in clause (i), by striking “sec-
2 tion 104(b)(5)(A)” and inserting “sec-
3 tion 104(b)(5)(A) (as in effect on the
4 day before the date of enactment of
5 the ISTEIA Integrity Restoration
6 Act)”; and

7 (II) in clause (ii), by striking
8 “section 104(b)(5)(B)” and inserting
9 “section 104(b)(5)(B) (as in effect on
10 the day before the date of enactment
11 of the ISTEIA Integrity Restoration
12 Act)”;
13

(ii) in paragraph (3)—

14 (I) in subparagraph (A), by strik-
15 ing “section 104(b)(5)(A)” and insert-
16 ing “section 104(b)(5)(A) (as in effect
17 on the day before the date of enact-
18 ment of the ISTEIA Integrity Restora-
19 tion Act)”;
20

21 (II) in subparagraph (B), by
22 striking “(5)(B)” and inserting
23 “(5)(B) (as in effect on the day before
24 the date of enactment of the ISTEIA
Integrity Restoration Act)”; and

1 (III) in the last sentence, by
2 striking “section 104(b)(5)” and in-
3 serting “section 104(b)(5) (as in ef-
4 fect on the day before the date of en-
5 actment of the ISTEA Integrity Res-
6 toration Act)”; and

7 (iii) in paragraph (4), by striking
8 “section 104(b)(5)” and inserting “section
9 104(b)(5) (as in effect on the day before
10 the date of enactment of the ISTEA Integ-
11 rity Restoration Act)”.

12 (10) Section 161(a) of title 23, United States
13 Code, is amended by striking “paragraphs (1), (3),
14 and (5)(B) of section 104(b)” each place it appears
15 and inserting “paragraphs (1) and (3) of section
16 104(b)”.

17 (11) Section 1009 of the Intermodal Surface
18 Transportation Efficiency Act of 1991 (23 U.S.C.
19 119 note; 105 Stat. 1933) is amended by striking
20 subsection (c).

21 (12) Section 31314 of title 49, United States
22 Code, is amended—

23 (A) in subsections (a) and (b), by striking
24 “(5),” each place it appears and inserting “(5)

(as in effect on the day before the date of enactment of the ISTEA Integrity Restoration Act),”;

(B) in subsection (c)(1)(A), by inserting “(as in effect on the day before the date of enactment of the ISTEA Integrity Restoration Act)” after “section 104(b)(5)(B) of title 23”; and

(C) in each of subsections (d)(2) and (e), by inserting “(as in effect on the day before the date of enactment of the ISTEA Integrity Restoration Act)” after “section 104(b)(5) of title 23”.

SEC. 6. STREAMLINED SURFACE TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “bridges (including bridges on public roads of all functional classifications),” and inserting “bridges on the Federal-aid system and bridges off the Federal-aid system,”; and

(B) by adding at the end the following:

1 “(12) With respect to each area of a State that
2 is a nonattainment area under the Clean Air Act (42
3 U.S.C. 7401 et seq.) for ozone or carbon monoxide,
4 or for particulate matter with an aerodynamic diam-
5 eter smaller than or equal to 10 micrometers (known
6 as ‘PM-10’) resulting from transportation activities,
7 or for any combination of these substances, for any
8 congestion mitigation and air quality improvement
9 project or program without regard to any limitation
10 of the Department of Transportation relating to the
11 type of ambient air quality standard addressed by
12 the project or program.”;

13 (2) in subsection (c), by striking “unless such
14 roads are on a Federal-aid highway system on Janu-
15 ary 1, 1991, and”;

16 (3) in subsection (d)—

17 (A) by striking paragraphs (1) and (2);

18 (B) by redesignating paragraphs (3)
19 through (5) as paragraphs (1) through (3), re-
20 spectively;

21 (C) in paragraph (1) (as so redesign-
22 nated)—

23 (i) by striking subparagraph (A) and
24 inserting the following:

1 “(A) GENERAL RULE.—Except as provided
2 in subparagraph (C), for each fiscal year, a
3 State shall allocate for use in each area of the
4 State with an urbanized area population of over
5 200,000 persons an amount of the funds avail-
6 able for obligation under section 104(b)(3) for
7 the fiscal year determined by multiplying—

8 “(i) the amount of funds required to
9 be allocated for use in the areas under the
10 Intermodal Surface Transportation Effi-
11 ciency Act of 1991 (Public Law 102–240)
12 for fiscal year 1997; by

13 “(ii) the amount determined by divid-
14 ing—

15 “(I) the highway funds of the
16 State for the fiscal year; by

17 “(II) the highway funds of the
18 State for fiscal year 1997.”;

19 (ii) in subparagraph (B), by striking
20 “subparagraph (A)(ii)” and inserting “this
21 section”;

22 (iii) by striking subparagraph (C) and
23 inserting the following:

1 “(C) SPECIAL RULE FOR CERTAIN
2 STATES.—Subparagraph (A) shall not apply in
3 the case of a State—

4 “(i) in which greater than 80 percent
5 of the population of the State is located in
6 1 or more metropolitan statistical areas
7 and greater than 80 percent of the land
8 area of the State is owned by the United
9 States; or

10 “(ii) that is noncontiguous with the
11 continental United States.”;

12 (iv) by striking subparagraph (D);

13 (v) by redesignating subparagraph (E)
14 as subparagraph (D); and

15 (vi) in subparagraph (D) (as so reded-
16 icated)—

17 (I) by striking “obligate” each
18 place it appears and inserting “allo-
19 cate”;

20 (II) by striking “(A)(i)” each
21 place it appears and inserting “(A)”;
22 and

23 (III) by striking “obligated” and
24 inserting “allocated”; and

1 (D) in paragraph (3)(A) (as redesignated
2 by subparagraph (B)), by striking “funded
3 from the allocation required under paragraph
4 (2)”;
5 (4) in subsection (e)—

6 (A) by striking paragraph (1);

7 (B) by redesignating paragraphs (2)
8 through (5) as paragraphs (1) through (4), re-
9 spectively;

10 (C) by striking paragraph (1) (as so redес-
11 igned) and inserting the following:

12 “(1) CERTIFICATION.—

13 “(A) IN GENERAL.—Before the beginning
14 of each fiscal year, to be eligible for payments
15 under this section, the Governor of each
16 State—

17 “(i) shall certify to the Secretary that
18 the State will meet all the requirements of
19 this section; and

20 “(ii) shall notify the Secretary that
21 the amount of obligations expected to be
22 incurred for each surface transportation
23 program project during the fiscal year is in
24 accordance with each survey, plan, speci-
25 fication, and estimate for the proposed

1 project as included in the surface transpor-
2 tation program category in the transpor-
3 tation improvement program of the State
4 developed under section 135(f) for the fis-
5 cal year.

6 “(B) ADJUSTMENTS.—A State may re-
7 quest an adjustment to an obligation amount
8 referred to in subparagraph (A)(ii) later in the
9 fiscal year.

10 “(C) EFFECT OF ACCEPTANCE.—Accept-
11 ance by the Secretary of the notification and
12 certification under subparagraph (A) shall be
13 deemed to be acceptance by the United States
14 of a contractual obligation to pay the Federal
15 share of surface transportation program costs
16 incurred by the State for projects not subject to
17 review by the Secretary under this chapter.”;

18 (D) by striking paragraph (2) (as so redes-
19 igned) and inserting the following:

20 “(3) PAYMENTS.—The Secretary shall make
21 payments to a State of costs incurred by the State
22 for the surface transportation program in accord-
23 ance with procedures to be established by the Sec-
24 retary. Payments shall not exceed the Federal share

1 of costs incurred as of the date the State requests
2 payments.”; and

3 (E) in paragraph (4) (as so redesignated)
4 by striking “funded from the allocation required
5 by subsection (d)(2)” each place it appears; and
6 (5) in subsection (f)—

7 (A) by striking “6-fiscal year period 1992
8 through 1997” and inserting “5-fiscal year pe-
9 riod 1998 through 2002”; and

10 (B) by striking “and highway safety con-
11 struction” each place it appears.

12 (b) APPORTIONMENTS.—Section 104(b) of title 23,
13 United States Code, is amended by striking paragraph (3)
14 and inserting the following:

15 “(3) SURFACE TRANSPORTATION PROGRAM.—

16 For the surface transportation program—

17 “(A) in the case of a State with an average
18 population density of 20 persons per square
19 mile or fewer, and in the case of a State with
20 a population of 1,500,000 persons or fewer and
21 a land area of 10,000 square miles or less, the
22 greater of—

23 “(i) a percentage share of apportion-
24 ments equal to the percentage specified for
25 the State in section 157(d); or

1 “(ii) a share determined under sub-
2 paragraph (B); and

3 “(B) subject to subparagraph (A), in the
4 case of any State for which the apportionment
5 is not determined under subparagraph (A)(i), a
6 percentage share of the remaining apportion-
7 ments equal to the percentage of estimated tax
8 payments attributable to highway users in the
9 State paid into the Highway Trust Fund (other
10 than the Mass Transit Account) in the latest
11 fiscal year for which data are available.”.

12 (c) CONFORMING AMENDMENTS.—

13 (1) Section 134(i)(5) of title 23, United States
14 Code, is amended by striking “section 133(d)(3)”
15 each place it appears and inserting “section
16 133(d)(1)”.

17 (2) Section 5305(e)(2) of title 49, United
18 States Code, is amended in the first sentence by
19 striking “section 133(d)(3) of title 23” and inserting
20 “section 133(d)(1) of title 23”.

21 **SEC. 7. POPULATION DETERMINATIONS.**

22 Section 104 of title 23, United States Code, is
23 amended by adding at the end the following:

1 “(k) POPULATION DETERMINATIONS.—For the pur-
 2 poses of paragraphs (1) and (3) of subsection (b), popu-
 3 lation shall be determined on the basis of the most recent
 4 estimates prepared by the Secretary of Commerce.”.

5 **SEC. 8. HIGHWAY BRIDGE REPLACEMENT AND REHABILI-**
 6 **TATION ACTIVITIES.**

7 (a) REPEAL OF PROGRAM.—Section 144 of title 23,
 8 United States Code, is repealed.

9 (b) CONFORMING AMENDMENTS.—

10 (1) The analysis for chapter 1 of title 23, Unit-
 11 ed States Code, is amended by striking the item re-
 12 lating to section 144.

13 (2) Section 104(g) of title 23, United States
 14 Code, is amended—

15 (A) in the first sentence, by striking “,
 16 144,”; and

17 (B) by striking the third and fourth sen-
 18 tences.

19 (3) Section 115 of title 23, United States Code,
 20 is amended—

21 (A) in subsection (a)—

22 (i) in the subsection heading, by strik-
 23 ing “BRIDGE,”; and

24 (ii) in paragraph (1)(A)(i), by striking
 25 “144,”; and

1 (B) in subsection (c), by striking “144,,”.

2 (4) Section 120(e) of title 23, United States
3 Code, is amended in the last sentence by striking
4 “and in section 144 of this title”.

5 (5) Sections 134(i)(4) and 135(f)(3) of title 23,
6 United States Code, are amended by striking “pur-
7 suant to the bridge and Interstate maintenance pro-
8 grams” each place it appears and inserting “Inter-
9 state maintenance activities under section 119”.

10 (6) Section 140(b) of title 23, United States
11 Code, is amended in the last sentence by striking
12 “and the bridge program under section 144”.

13 (7) Section 151(d) of title 23, United States
14 Code, is amended by striking “section 104(a), sec-
15 tion 307(a), and section 144 of this title” and in-
16 serting “sections 104(a) and 307(a)”.

17 (8) Section 204(c) of title 23, United States
18 Code, is amended in the first sentence by striking
19 “or section 144 of this title”.

20 (9) Section 303(g) of title 23, United States
21 Code, is amended by striking “and funds appor-
22 tioned under section 144 of this title for developing
23 and establishing the bridge management system re-
24 quired by this section”.

1 (10) Section 307 of title 23, United States
2 Code, is amended—

3 (A) in subsection (c)(1), by striking “sec-
4 tions 104 and 144 of this title” and inserting
5 “section 104”; and

6 (B) in the second sentence of subsection
7 (e)(4)(A), by striking “which are being replaced
8 or rehabilitated under section 144 of this title”.

9 (11) Section 409 of title 23, United States
10 Code, is amended by striking “, 144,”.

11 **SEC. 9. CONGESTION MITIGATION AND AIR QUALITY IM-**
12 **PROVEMENT ACTIVITIES.**

13 (a) **ELIMINATION OF APPORTIONMENTS.**—Section
14 104(b) of title 23, United States Code, is amended by
15 striking paragraph (2).

16 (b) **REPEAL OF PROGRAM.**—Section 149 of title 23,
17 United States Code, is repealed.

18 (c) **CONFORMING AMENDMENTS.**—

19 (1) The analysis for chapter 1 of title 23, Unit-
20 ed States Code, is amended by striking the item re-
21 lating to section 149.

22 (2) Section 104 of title 23, United States Code,
23 is amended in the first sentence of subsection (a),

1 and in the matter preceding paragraph (1) of sub-
2 section (b), by striking “, the congestion mitigation
3 and air quality improvement program,”.

4 (3) Section 115(a) of title 23, United States
5 Code, is amended—

6 (A) in the subsection heading, by striking
7 “CONGESTION MITIGATION AND AIR QUALITY
8 IMPROVEMENT,”; and

9 (B) in paragraph (1)(A)(i), by striking
10 “104(b)(2),”.

11 (4) Section 117(e) of title 23, United States
12 Code, is amended by striking “section 133, and sec-
13 tion 149” and inserting “or section 133”.

14 (5) Section 217 of title 23, United States Code,
15 is amended—

16 (A) in subsection (a)—

17 (i) in the subsection heading, by strik-
18 ing “STP AND CONGESTION MITIGATION
19 PROGRAM” and inserting “SURFACE
20 TRANSPORTATION PROGRAM”; and

21 (ii) by striking “sections 104(b)(2)
22 and 104(b)(3) of this title” and inserting
23 “section 104(b)(3)”; and

1 (B) in subsection (d), by striking “sections
 2 104(b)(2) and 104(b)(3) of this title” and in-
 3 serting “section 104(b)(3)”.

4 (6) Section 303(g) of title 23, United States
 5 Code, is amended by striking “, (b)(2),”.

6 (7) Section 31314 of title 49, United States
 7 Code, is amended by striking “(2),” each place it ap-
 8 pears and inserting “(2) (as in effect on the day be-
 9 fore the date of enactment of the ISTEA Integrity
 10 Restoration Act),”.

11 (8) Section 355(c) of the National Highway
 12 System Designation Act of 1995 (Public Law 104–
 13 59; 109 Stat. 624) is amended by striking “(b)(2),”
 14 and inserting “(b)(2) (as in effect on the day before
 15 the date of enactment of the ISTEA Integrity Res-
 16 toration Act and in the case of succeeding fiscal
 17 years 1996 and 1997),”.

18 **SEC. 10. APPORTIONMENT ADJUSTMENT PROGRAM.**

19 (a) IN GENERAL.—

20 (1) PROGRAM.—Section 157 of title 23, United
 21 States Code, is amended to read as follows:

22 **“§ 157. Apportionment adjustment program**

23 “(a) IN GENERAL.—On October 1 (or as soon as
 24 practicable thereafter) of fiscal year 1998 and each fiscal
 25 year thereafter, the Secretary shall apportion among the

1 States additional amounts sufficient to ensure that the
2 ratio of the highway funds of the State to the highway
3 funds of all States for the fiscal year is not less than the
4 percentage specified for the State in subsection (d).

5 “(b) ADDITIONAL APPORTIONMENTS.—In addition to
6 any amount required to be apportioned by subsection (a)
7 for a fiscal year, a State shall receive additional appor-
8 tions so that each State’s percentage of highway funds
9 for the fiscal year is not less than 95 percent of the per-
10 centage of estimated tax payments attributable to highway
11 users in the State paid into the Highway Trust Fund
12 (other than the Mass Transit Account) in the latest fiscal
13 year for which data are available.

14 “(c) REQUIREMENT.—

15 “(1) IN GENERAL.—Any increase in appor-
16 tions necessary to comply with subsection (a) or (b)
17 shall be carried out so that the ratio of—

18 “(A) the highway funds of each State with
19 an average population density of 20 persons per
20 square mile or fewer and each State with a pop-
21 ulation of 1,500,000 persons or fewer and a
22 land area of 10,000 square miles or less; to

23 “(B) the highway funds of all States;
24 for the fiscal year is not less than the percentage
25 share specified for the State in subsection (d).

1 “(2) POPULATION DETERMINATIONS.—For the
 2 purpose of this subsection, population shall be deter-
 3 mined on the basis of the most recent estimates pre-
 4 pared by the Secretary of Commerce.

5 “(d) STATE PERCENTAGES.—The percentage re-
 6 ferred to in subsection (a) for each State shall be deter-
 7 mined in accordance with the following table:

“States:	Adjustment percentage
Alabama	2.02
Alaska	1.24
Arizona	1.68
Arkansas	1.32
California	9.81
Colorado	1.23
Connecticut	1.00
Delaware	0.40
District of Columbia	0.52
Florida	4.77
Georgia	3.60
Hawaii	0.55
Idaho	0.70
Illinois	3.71
Indiana	2.63
Iowa	1.13
Kansas	1.10
Kentucky	1.91
Louisiana	1.63
Maine	0.50
Maryland	1.64
Massachusetts	1.68
Michigan	3.34
Minnesota	1.56
Mississippi	1.23
Missouri	2.45
Montana	0.95
Nebraska	0.73
Nevada	0.67
New Hampshire	0.48
New Jersey	2.28
New Mexico	1.05
New York	4.27
North Carolina	2.83
North Dakota	0.63
Ohio	3.77
Oklahoma	1.55
Oregon	1.23
Pennsylvania	4.12

“States:	Adjustment percentage
Puerto Rico	0.50
Rhode Island	0.55
South Carolina	1.63
South Dakota	0.70
Tennessee	2.30
Texas	7.21
Utah	0.71
Vermont	0.43
Virginia	2.61
Washington	1.75
West Virginia	0.76
Wisconsin	1.91
Wyoming	0.66

1 “(e) TERMS AND CONDITIONS.—Amounts appor-
2 tioned in accordance with subsections (a) and (b)—

3 “(1) shall be available for obligation, when allo-
4 cated, for the year authorized and the 3 following
5 fiscal years;

6 “(2) shall be subject to this title; and

7 “(3) may be obligated for National Highway
8 System projects under section 103, surface transpor-
9 tation program projects under section 133, or any
10 other purpose authorized under this title.

11 “(f) APPORTIONMENTS.—There are authorized to be
12 appropriated out of the Highway Trust Fund (other than
13 the Mass Transit Account) to carry out this section such
14 sums as are necessary for fiscal year 1998 and each fiscal
15 year thereafter.”.

16 (2) CONFORMING AMENDMENT.—The analysis
17 for chapter 1 of title 23, United States Code, is

1 amended by striking the item relating to section 157
2 and inserting the following:

“157. Apportionment adjustment program.”.

3 (b) REPEAL OF REIMBURSEMENT FOR SEGMENTS OF
4 THE INTERSTATE SYSTEM CONSTRUCTED WITHOUT FED-
5 ERAL ASSISTANCE.—

6 (1) IN GENERAL.—Section 160 of title 23,
7 United States Code, is repealed.

8 (2) CONFORMING AMENDMENT.—The analysis
9 for chapter 1 of title 23, United States Code, is
10 amended by striking the item relating to section
11 160.

12 **SEC. 11. REPEAL OF SET-ASIDES FOR DISCRETIONARY PRO-**
13 **GRAMS.**

14 Section 118 of title 23, United States Code, is
15 amended—

16 (1) by striking subsection (c); and

17 (2) by redesignating subsections (d), (e), and
18 (f) as subsections (c), (d), and (e), respectively.

19 **SEC. 12. TECHNICAL CORRECTION TO PROGRAM ADMINIS-**
20 **TRATION SET-ASIDE.**

21 Section 104(a) of title 23, United States Code, is
22 amended in the first sentence by striking “not to exceed
23 3¾ per centum” and inserting “not to exceed 2.35 per-
24 cent”.

1 **SEC. 13. EFFECTIVE DATE; APPLICABILITY; CERTAIN UNOB-**
2 **LIGATED BALANCES.**

3 (a) IN GENERAL.—This Act and the amendments
4 made by this Act shall take effect on the date of enactment
5 of this Act.

6 (b) APPLICABILITY.—This Act and the amendments
7 made by this Act—

8 (1) except as otherwise specifically provided,
9 shall apply to funds authorized to be appropriated or
10 made available after September 30, 1997; and

11 (2) except as otherwise provided in subsection
12 (c), shall not apply to funds appropriated or made
13 available on or before September 30, 1997.

14 (c) UNOBLIGATED BALANCES.—

15 (1) IN GENERAL.—Unobligated balances of
16 funds apportioned to a State under sections
17 104(b)(2), 104(b)(4), 104(b)(5), 144(e), and 157 of
18 title 23, United States Code, and sections 1013(c),
19 1069, and 1103 through 1108 of the Intermodal
20 Surface Transportation Efficiency Act of 1991
21 (Public Law 102–240) before October 1, 1997, shall
22 be available for obligation in the State under the law
23 (including regulations, policies, and procedures) re-
24 lating to the obligation and expenditure of the funds
25 in effect on September 30, 1997.

26 (2) TRANSFERABILITY.—

1 (A) CONGESTION MITIGATION AND AIR
2 QUALITY IMPROVEMENT PROGRAM.—A State
3 may transfer unobligated balances of funds ap-
4 portioned to the State before October 1, 1997,
5 for the congestion mitigation and air quality
6 improvement program under section 104(b)(2)
7 of title 23, United States Code (as in effect on
8 the day before the date of enactment of this
9 Act) to the apportionment of the State under
10 section 104(b)(3) of title 23, United States
11 Code.

12 (B) INTERSTATE CONSTRUCTION AND
13 INTERSTATE MAINTENANCE PROGRAMS.—A
14 State may transfer unobligated balances of
15 funds apportioned to the State before October
16 1, 1997, for the Interstate construction pro-
17 gram under section 104(b)(5)(A) of title 23,
18 United States Code (as in effect on the day be-
19 fore the date of enactment of this Act) or the
20 Interstate maintenance program under section
21 104(b)(5)(B) of title 23, United States Code
22 (as in effect on the day before the date of en-
23 actment of this Act) to the apportionment of
24 the State under section 104(b)(1) of title 23,
25 United States Code.

1 (C) BRIDGE REPLACEMENT AND REHA-
2 BILITATION PROGRAM.—A State may transfer
3 unobligated balances of funds apportioned to
4 the State before October 1, 1997, for the bridge
5 replacement and rehabilitation program under
6 section 144 of title 23, United States Code (as
7 in effect on the day before the date of enact-
8 ment of this Act) to the apportionment to the
9 State under paragraph (1) or (3) of section
10 104(b) of title 23, United States Code.

11 (D) SURFACE TRANSPORTATION PRO-
12 GRAM.—A State may transfer unobligated bal-
13 ances of funds apportioned to the State before
14 October 1, 1997, for the surface transportation
15 program under section 104(b)(3) of title 23,
16 United States Code (as in effect on the day be-
17 fore the date of enactment of this Act) to the
18 apportionment of the State under section
19 104(b)(3) of title 23, United States Code.

20 (E) APPLICABILITY OF CERTAIN LAWS.—
21 Funds transferred under this paragraph shall
22 be subject to the laws (including regulations,
23 policies, and procedures) relating to the appor-
24 tionment to which the funds are transferred.

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