

S. 803

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 803, a bill to permit the transportation of passengers between United States ports by certain foreign-flag vessels and to encourage United States-flag vessels to participate in such transportation.

S. 943

At the request of Mr. SPECTER, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation accidents.

S. 983

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 983, a bill to prohibit the sale or other transfer of highly advanced weapons to any country in Latin America.

S. 990

At the request of Mr. FAIRCLOTH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 990, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging.

S. 1037

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1037, a bill to amend the Internal Revenue Code of 1986 to establish incentives to increase the demand for and supply of quality child care, to provide incentives to States that improve the quality of child care, to expand clearing-house and electronic networks for the distribution of child care information, to improve the quality of child care provided through Federal facilities and programs, and for other purposes.

At the request of Mr. DODD, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1037, *supra*.

S. 1042

At the request of Mr. CRAIG, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1042, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 1084

At the request of Mr. INHOFE, the names of the Senator from Louisiana [Ms. LANDRIEU], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alabama [Mr. SESSIONS], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Ohio [Mr. DEWINE], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. SHELBY], the Senator from Wyo-

oming [Mr. ENZI], the Senator from Wyoming [Mr. THOMAS], the Senator from Kansas [Mr. ROBERTS] and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 1084, a bill to establish a research and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, and for other purposes.

S. 1096

At the request of Mr. KERREY, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Louisiana [Mr. BREAU], the Senator from Indiana [Mr. LUGAR], the Senator from Michigan [Mr. ABRAHAM], the Senator from Connecticut [Mr. DODD], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. BROWNBACK], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1189

At the request of Mr. SMITH, the names of the Senator from New Jersey [Mr. TORRICELLI] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1189, a bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 1204

At the request of Mr. COVERDELL, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. LOTT] and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

S. 1220

At the request of Mr. DODD, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1237

At the request of Mr. ENZI, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1237, a bill to amend the Oc-

cupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

SENATE RESOLUTION 96

At the request of Mr. CRAIG, the names of the Senator from Oregon [Mr. SMITH], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. GRAMS] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Resolution 96, A resolution proclaiming the week of March 15 through March 21, 1998, as "National Safe Place Week".

SENATE CONCURRENT RESOLUTION 56—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. SPECTER submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 56

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on October 29, 1997, for a ceremony to honor Leslie Townes (Bob) Hope by conferring upon him the status of an honorary veteran of the Armed Forces of the United States. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED

THE INTERMODAL TRANSPORTATION ACT OF 1997

DOMENICI (AND OTHERS) AMENDMENTS NOS. 1324-1327

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. INOUE, Mr. BINGAMAN, and Mr. JOHNSON) submitted four amendments intended to be proposed by them to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

AMENDMENT No. 1324

On page 54, between lines 2 and 3, insert the following:

(d) ADDITIONAL FUNDING FOR INDIAN RESERVATION ROADS.—

(1) IN GENERAL.—Section 202(d) of title 23, United States Code, is amended—

(A) by striking "(d) On" and inserting the following:

"(d) INDIAN RESERVATION ROADS.—

"(1) IN GENERAL.—On";

(B) in paragraph (1) (as so designated), by inserting “, and the amount set aside under paragraph (2),” after “appropriated”; and

(C) by adding at the end the following:

“(2) SET-ASIDE.—

“(A) IN GENERAL.—For each of fiscal years 1998 through 2003, before making an apportionment of funds under section 104(b), the Secretary shall set aside the amount specified for the fiscal year in subparagraph (B) for allocation in accordance with paragraph (1).

“(B) AMOUNTS.—The amounts referred to in subparagraph (A) are—

“(i) for fiscal year 1998, \$25,000,000;

“(ii) for fiscal year 1999, \$50,000,000;

“(iii) for fiscal year 2000, \$75,000,000;

“(iv) for fiscal year 2001, \$75,000,000;

“(v) for fiscal year 2002, \$100,000,000; and

“(vi) for fiscal year 2003, \$100,000,000.”

(2) CONFORMING AMENDMENT.—Section 104(b) of title 23, United States Code (as amended by section 1102(a)), is amended in the matter preceding paragraph (1) by inserting “and section 202(d)(2)” after “(f)”.

AMENDMENTS No. 1325

At the appropriate place, insert the following:

SEC. . FUNDING FOR INDIAN RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

“(k) INDIAN RURAL TRANSIT PROGRAM.—

“(1) IN GENERAL.—Of amounts made available under section 5338(a) to carry out this section in each fiscal year, \$10,000,000 shall be available for grants to Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) in accordance with this section for transportation projects in areas other than urbanized areas.

“(2) FORMULA ALLOCATION.—Amounts made available under paragraph (1) shall be allocated among Indian tribes—

“(A) with respect to fiscal years 1998 and 1999, by the Administrator of the Federal Transit Administration; and

“(B) with respect to each fiscal year thereafter, in accordance with a formula, which shall be established by the Secretary, in consultation with Indian tribes, not later than October 1, 1999.”

AMENDMENT No. 1326

On page 54, between lines 2 and 3, insert the following:

(d) ALLOCATION FOR INTERTRIBAL TRANSPORTATION ASSOCIATION.—Section 202(d) of title 23, United States Code, is amended—

(1) by striking “(d) On” and inserting the following:

“(d) INDIAN RESERVATION ROADS.—

“(1) IN GENERAL.—On”; and

(2) in paragraph (1) (as designated by subparagraph (A)), by striking “the Secretary shall allocate” and inserting “after making the allocation authorized by paragraph (2), the Secretary shall allocate the remainder of”; and

(3) by adding at the end the following:

“(2) ALLOCATION FOR INTERTRIBAL TRANSPORTATION ASSOCIATION.—For each fiscal year, the Secretary shall allocate \$300,000 of the sums described in paragraph (1) to the Intertribal Transportation Association.”

AMENDMENT No. 1327

On page 127, strike line 8 and insert the following: bridges that—

“(A) provides for the allocation of funds reserved under paragraph (2) in accordance with the priorities established by the Bureau of Indian Affairs through application of the National Bridge Inspection Standards; and

“(B) accords highest priority in funding to bridges with the greatest deficiency.

ALLARD AMENDMENT NO. 1328

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

Beginning on page 14, strike line 6 and all that follows through page 18, line 5, and insert the following:

“(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

“(i) the total of all weighted non-attainment area and maintenance area populations in each State; bears to

“(ii) the total of all weighted non-attainment area and maintenance area populations in all States.

“(B) CALCULATION OF WEIGHTED NON-ATTAINMENT AREA AND MAINTENANCE AREA POPULATION.—For the purpose of subparagraph (A), the weighted nonattainment area and maintenance area population shall be calculated by multiplying the population of each area in a State that is a nonattainment area designated under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) or as a maintenance area for ozone, carbon monoxide, or PM-10 by a factor of—

“(i) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area, as a transitional ozone nonattainment area (within the meaning of section 185A of the Clean Air Act (42 U.S.C. 7511e)), or as a maintenance area for any pollutant under part D of title I of the Clean Air Act (42 U.S.C. 7501 et seq.);

“(ii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area, a moderate carbon monoxide nonattainment area with a design value of 12.7 parts per million or less at the time of classification, or a moderate PM-10 nonattainment area, under that part;

“(iii) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area, or a moderate carbon monoxide nonattainment area with a design value greater than 12.7 parts per million at the time of classification, under that part;

“(iv) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area, a serious carbon monoxide nonattainment area, or a serious PM-10 nonattainment area, under that part; or

“(v) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that part.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.

“(D) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

“(E) DEFINITION OF PM-10.—In this paragraph, the term ‘PM-10’ means particulate matter with an aerodynamic diameter smaller than or equal to 10 microns.

TORRICELLI AMENDMENTS NOS. 1329-1330

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1329

On page 85, between lines 18 and 19, insert the following:

(d) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess—

(A) the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects;

(B) methods States use to mitigate delays described in subparagraph (A), including the use of the courts to compel utility cooperation;

(C) the prevalence and use of—

(i) incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites; and

(ii) penalties assessed on utility companies for utility relocation delays on such projects;

(D) the extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations; and

(E)(i) whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to the contractors are delayed by delays caused by utility companies in utility relocations; and

(ii) methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study, including any recommendations that the Comptroller General determines to be appropriate as a result of the study.

AMENDMENT No. 1330

On page 85, between lines 18 and 19, insert the following:

(d) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess—

(A) the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects;

(B) methods States use to mitigate delays described in subparagraph (A), including the use of the courts to compel utility cooperation;

(C) the prevalence and use of—

(i) incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites; and

(ii) penalties assessed on utility companies for utility relocation delays on such projects;

(D) the extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations; and

(E)(i) whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to the contractors are delayed by delays caused by utility companies in utility relocations; and

(ii) methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study, including any recommendations that the

Comptroller General determines to be appropriate as a result of the study.

MCCAIN AMENDMENTS NOS. 1331–1332

(Ordered to lie on the table.)

Mr. MCCAIN submitted two amendments intended to be proposed by him to amendment No. 1319 proposed by Mr. ROTH to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1331

In the matter added by Amendment No. 1319, strike Sections X002(a)(1)(C), (a)(2), (a)(3), (a)(4), (a)(5), and (c), and renumber the sections accordingly.

AMENDMENT No. 1332

Strike Sections X002(a)(1)(C), (a)(2), (a)(3), (a)(4), (a)(5), and (c), and renumber the sections accordingly.

MCCAIN AMENDMENT NO. 1333

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill, add the following new section:

“SEC. . Notwithstanding any other provision of law, existing provisions in the Internal Revenue Code of 1986 relating to ethanol fuels may not be extended beyond the periods specified in the Code, as in effect prior to the date of enactment of this Act.”

MCCAIN AMENDMENT NO. 1334

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 1319 proposed by Mr. ROTH to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following new section:

“SEC. X008. Notwithstanding any other provision of law, existing provisions in the Internal Revenue Code of 1986 relating to ethanol fuels may not be extended beyond the periods specified in the Code, as in effect prior to the date of enactment of this Act.”

SNOWE AMENDMENTS NOS. 1335–1336

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1335

On page 176, strike lines 3 through 5 and insert the following:

(a) IN GENERAL.—

(1) PROGRAM.—Section 129(c) of title 23, United States Code, is amended—

(A) by inserting “in accordance with paragraph (2) and sections 103, 133, and 149,” after “toll or free.”;

(B) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(C) by striking “(e) Notwithstanding” and inserting the following:

“(c) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

“(1) IN GENERAL.—Notwithstanding”;

(D) in subparagraph (C) (as redesignated by subparagraph (B)), by inserting “or operated” before the period at the end;

(E) in the first sentence of subparagraph (F) (as redesignated by subparagraph (B)), by

striking “sold, leased, or” and inserting “sold or”; and

(F) by adding at the end the following:

“(2) PROGRAM.—

“(A) IN GENERAL.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with paragraph (1).

“(B) FEDERAL SHARE.—The Federal share of the cost of construction of a ferry boat or ferry terminal facility using funds made available under subparagraph (C) shall be 80 percent.

“(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for obligation at the discretion of the Secretary in carrying out this paragraph \$18,000,000 for each of fiscal years 1998 through 2000.

“(ii) AVAILABILITY.—Amounts made available under this subparagraph shall remain available until expended.”.

(2) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study of ferry transportation in the United States and the possessions of the United States—

(i) to identify ferry operations in existence as of the date of the study, including—

(I) the locations and routes served; and

(II) the source and amount, if any, of funds derived from Federal, State, or local government sources that support ferry operations; and

(ii) to identify potential domestic ferry routes in the United States and possessions of the United States and to develop information on the routes.

(B) REPORT.—The Secretary shall submit a report on the results of the study under subparagraph (A) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

AMENDMENT No. 1336

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . FUNDING TRANSFER.

The Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the table contained in section 1103(b) (105 Stat. 2027), in item 9, by striking “32.1” and inserting “25.1”; and

(2) in the table contained in section 1104(b) (105 Stat. 2029)—

(A) in item 27, by striking “10.5” and inserting “12.5”; and

(B) in item 44, by striking “10.0” and inserting “15.0”.

At the appropriate place in subtitle D of title I, insert the following:

SEC. 14 . YOUNGER DRIVER SAFETY DEVELOPMENT DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State or unit of local government; or

(B) a nonprofit organization.

(2) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation by reason of section 501(a) of such Code.

(3) YOUNGER DRIVER.—The term “younger driver” means a driver of a motor vehicle who has attained the age of 15, but has not attained the age of 21.

(b) GENERAL AUTHORITY.—The Secretary shall conduct a demonstration program to, with respect to younger drivers—

(1) reduce traffic fatalities and injuries among those drivers; and

(2) improve the driving performance of those drivers.

(c) GRANTS.—An eligible entity may submit an application, in such form and manner as the Secretary may prescribe for a grant award to conduct a demonstration project under the demonstration program under this section.

(d) DEMONSTRATION PROJECT.—A demonstration project conducted under this section—

(1) shall be designed to carry out the purposes specified in subsection (b); and

(2)(A) may include the development and implementation of a comprehensive approach to—

(i) the licensing of younger drivers (including graduated licensing); or

(ii) the education of younger drivers; or

(B) may address specific driving behaviors (including seat belt use, or impaired driving or any other risky driving behavior).

(e) REPORTS.—

(1) IN GENERAL.—Upon completion of a demonstration project under this section, the grant recipient shall submit to the Secretary a report that includes the findings of the grant recipient with respect to results of the demonstration project, together with any recommendations of the grant recipient relating to those results.

(2) DISTRIBUTION OF INFORMATION.—The Secretary shall ensure that, to the maximum extent practicable, the information contained in the reports submitted under this subsection is distributed to appropriate entities.

(f) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section, \$500,000 for each of fiscal years 1998 through 2000.

(2) AVAILABILITY OF FUNDS.—Funds made available under this subsection shall remain available until expended.

(3) CONTRACT AUTHORITY.—Subject to paragraph (2), funds authorized under this subsection shall be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 14 . AGGRESSIVE DRIVER COUNTERMEASURE DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) LARGE METROPOLITAN AREA.—The term “large metropolitan area” means a metropolitan area that is identified by the Administrator of the Federal Highway Administration as being 1 of the 27 metropolitan areas in the United States with the greatest degree of traffic congestion.

(2) METROPOLITAN AREA.—The term “metropolitan area” means an area that contains a core population and surrounding communities that have a significant degree of economic and social integration with that core population (as determined by the Secretary).

(3) SMALL METROPOLITAN AREA.—The term “small metropolitan area” means a metropolitan area with a population of—

(A) not less than 400,000 individuals; and

(B) not more than 1,000,000 individuals.

(b) GENERAL AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out a demonstration program to conduct—

(A) 1 demonstration project in a large metropolitan area; and

(B) 1 demonstration project in a small metropolitan area.

(2) DEMONSTRATION PROJECTS.—Each demonstration project described in paragraph (1)—

(A) shall identify effective and innovative enforcement and education techniques to reduce aggressive driving; and

(B) may—

(i) investigate the use of new law enforcement technologies to reduce aggressive driving;

(ii) study the needs of prosecutors and other elements of the judicial system in addressing the problem of aggressive driving; and

(iii) study the need for proposed legislation.

(C) GRANTS.—

(1) IN GENERAL.—A State may submit an application, in such form and manner as the Secretary may prescribe, for a grant award to conduct a demonstration project under the demonstration program under this section.

(2) GEOGRAPHIC DIVERSITY.—In awarding grants under this subsection, the Secretary shall provide for geographic diversity with respect to the metropolitan areas selected, to take into account variations in traffic patterns and law enforcement practices.

(3) GRANT AGREEMENTS.—As a condition to receiving a grant under this section, each State that is selected to be a grant recipient under this section shall be required to meet the requirements of a grant agreement that the Secretary shall offer to enter into with the appropriate official of the State. The grant agreement shall specify that the grant recipient shall submit to the Secretary such reports on the demonstration project conducted by the grant recipient as the Secretary determines to be necessary.

(d) DEMONSTRATION PROJECT.—A demonstration project conducted under this section shall be designed to carry out 1 or more of the activities described in subsection (b).

(e) DISTRIBUTION OF INFORMATION.—

(1) EVALUATION AND REPORT.—Upon completion of the demonstration projects conducted under the demonstration program under this section, the Secretary shall—

(A) conduct an evaluation of the results of those projects; and

(B) prepare a report that contains the findings of the evaluation, including such recommendations concerning addressing the incidence and causes of aggressive driving as the Secretary determines to be appropriate.

(2) DISTRIBUTION.—

(A) IN GENERAL.—The Secretary shall ensure, to the maximum extent practicable, that the information contained in the reports submitted under this subsection is distributed to appropriate entities, including law enforcement agencies.

(B) PUBLIC INFORMATION AND EDUCATION CAMPAIGN.—In conjunction with carrying out the demonstration program under this section, the Secretary shall develop a comprehensive public information and education campaign to address aggressive driving behavior. The program shall include print, radio, and television public service announcements that highlight law enforcement activities and public participation in addressing the problem of aggressive driving behavior.

(f) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section, \$500,000 for each of fiscal years 1998 through 1999 (of which not more than \$165,000 may be used by the Secretary to carry out subsection (e)) and \$500,000 for fiscal year 2000 (of which not more than \$200,000 may be used to carry out subsection (e)).

(2) AVAILABILITY OF FUNDS.—Funds made available under this subsection shall remain available until expended.

(3) CONTRACT AUTHORITY.—Subject to paragraphs (1) and (2), funds authorized under this subsection shall be available for obligation in the same manner as if the funds were

apportioned under chapter 1 of title 23, United States Code.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1338

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

On page 139, line 22, insert “or a unit of local government in the State” after “State”.

MURKOWSKI (AND STEVENS) AMENDMENTS NOS. 1339–1343

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself and Mr. STEVENS) submitted five amendments intended to be proposed by them to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1339

On page 176, strike lines 3 through 5 and insert the following:

(a) IN GENERAL.—Section 129(c) of title 23, United States Code, is amended—

(1) by striking “may” and inserting “shall”;

(2) by inserting “in accordance with sections 103, 133, and 149,” after “toll or free,”;

(3) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(4) by striking “(c) Notwithstanding” and inserting the following:

“(c) CONSTRUCTION OF FERRY BOATS AND TERMINAL FACILITIES.—

“(1) IN GENERAL.—Notwithstanding”; and

(5) by adding at the end the following:

“(2) FEDERAL SHARE.—The Federal share of the cost of construction of a ferry boat or terminal facility using funds made available under paragraph (3) shall be 80 percent.

“(3) FUNDING.—

“(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account), for obligation at the discretion of the Secretary in carrying out this subsection \$18,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY.—Funds made available under subparagraph (A) shall remain available until expended.

“(4) APPLICABILITY OF OTHER PROVISIONS OF THIS CHAPTER.—All provisions of this chapter that are applicable to the National Highway System, other than provisions relating to the apportionment formula and Federal share, shall apply to funds made available under paragraph (3), except as determined by the Secretary to be inconsistent with this subsection.”.

AMENDMENT No. 1340

At the end of subtitle A of title I, add the following:

SEC. 11 . NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.

Section 311 of title 23, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “Funds”; and

(2) by adding at the end the following:

“(b) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—

“(1) RECONSTRUCTION PROJECTS.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or a portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for reconstruction of the highway or portion of highway.

“(2) FUNDING.—

“(A) IN GENERAL.—From funds made available to carry out this title that are associated with the Interstate System, the Secretary may make available to carry out this subsection not to exceed \$16,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY.—Funds made available under subparagraph (A) shall remain available until expended.”.

AMENDMENT No. 1341

On page 269, line 2, insert “(a) IN GENERAL.—” before “Section”.

On page 278, between lines 14 and 15, insert the following:

(b) REDUNDANT METROPOLITAN TRANSPORTATION PLANNING REQUIREMENTS.—

(1) FINDING.—Congress finds that the major investment study requirements under section 450.318 of title 23, Code of Federal Regulations, are redundant to the planning and project development processes required under other titles 23 and 49, United States Code.

(2) STREAMLINING.—

(A) IN GENERAL.—The Secretary shall streamline the Federal transportation planning and NEPA decision process requirements for all transportation improvements supported with Federal surface transportation funds or requiring Federal approvals, with the objective of reducing the number of documents required and better integrating required analyses and findings wherever possible.

(C) REQUIREMENTS.—The Secretary shall amend regulations as appropriate and develop procedures to—

(i) eliminate, effective as of the date of enactment of this section, the major investment study under section 450.318 of title 23, Code of Federal Regulations, as a stand-alone requirement independent of other transportation planning requirements;

(ii) eliminate stand-alone report requirements wherever possible;

(iii) prevent duplication by integrating planning and transportation NEPA processes by drawing on the products of the planning process in the completion of all environmental and other project development analyses;

(iv) reduce project development time by achieving to the maximum extent practical a single public interest decision process for Federal environmental analyses and clearances; and

(v) expedite and support all phases of decisionmaking by encouraging and facilitating the early involvement of metropolitan planning organizations, State departments of transportation, transit operators, and Federal and State environmental resource and permit agencies throughout the decision-making process.

AMENDMENT No. 1342

On page 191, line 12, strike the semicolon at the end and insert “, except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;”.

AMENDMENT No. 1343

On page 52, line 10, strike “reservations.” and insert “reservations, and in the case of Indian reservation roads and transit facilities, to pay for the costs of maintenance of the Indian reservation roads and transit facilities.”.

HATCH (AND BENNETT) AMENDMENT NO. 1344

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

On page 144, strike line 5 and insert the following: the" and inserting "The".

SEC. 1206A. WAIVER FOR HIGH-ALTITUDE, EXTERNAL-LOAD HOIST RESCUES.

The Secretary, acting through the Administrator of the Federal Aviation Administration, shall waive any regulation of the Federal Aviation Administration that prohibits the use of an Agusta A 109K2 helicopter by an entity that is not a public service agency (as that term is defined by the Administrator) to execute a high-altitude, external-load rescue with such a helicopter if the Secretary, acting through the Administrator, determines that the entity—

- (1) has sufficient expertise to execute such a rescue; and
- (2) is implementing sufficient safety measures.

BENNETT AMENDMENTS NOS. 1345–1346

(Ordered to lie on the table.)

Mr. BENNETT submitted two amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1345

At the end of subtitle A of title I, add the following:

SEC. 11. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) **PURPOSE.**—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement by hosting international quadrennial Olympic events in the United States.

(b) **PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC EVENTS.**—Notwithstanding any other provision of law, from funds available to carry out section 104(k) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic event if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic event; and

(2) the project is otherwise eligible for assistance under section 104(k) of that title.

(c) **TRANSPORTATION PLANNING ACTIVITIES.**—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic event under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) **USE OF ADMINISTRATIVE EXPENSES.**—From funds deducted under section 104(a) of title 23, United States Code, the Secretary may provide assistance for the development of an Olympics transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic event.

(e) **TRANSPORTATION PROJECTS RELATING TO OLYMPIC EVENTS.**—

(1) **IN GENERAL.**—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic event.

(2) **FEDERAL SHARE.**—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

(f) **ELIGIBLE GOVERNMENTS.**—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

AMENDMENT NO. 1346

At the appropriate place, insert the following:

SEC. . TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(A) **PURPOSE.**—The purpose of this section is to provide assistance and support to State and local efforts on surface and aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement by hosting international quadrennial Olympic events in the United States.

(b) **PRIORITY FOR TRANSPORTATION PROJECTS RELATED TO OLYMPIC EVENTS.**—Notwithstanding any other provision of law, the Secretary of Transportation shall give priority to funding for a mass transportation project related to an Olympic event from the Mass Transit Account of the Highway Trust Fund available to carry out 1 or more of sections 5307, 5309, and 5326 of title 49, United States Code, if the project meets the extraordinary needs associated with an international quadrennial Olympic event and if the project is otherwise eligible for assistance under the section at issue. For purposes of determining the non-Federal share of a project funded under this subsection, highway and transit projects shall be considered to be a program of projects.

(c) **TRANSPORTATION PLANNING ACTIVITIES.**—The Secretary may participate in planning activities of States and Metropolitan planning organizations and sponsors of transportation projects related to an international quadrennial Olympic event under sections 5303 and 5305a of title 49, United States Code, and in developing intermodal transportation plans necessary for such projects in coordination with State and local transportation agencies.

(d) **USE OF ADMINISTRATIVE EXPENSES.**—The Secretary may provide assistance from funds deducted under section 104(a) of title 23, United States Code, for the development of an Olympics transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic event.

(e) **TRANSPORTATION PROJECTS RELATED TO OLYMPIC EVENTS.**—

(1) **GENERAL AUTHORITY.**—The Secretary may provide assistance to States and local governments in carrying out transportation projects related to an international quadrennial Olympic event. Such assistance may include planning, capital, and operating assistance.

(2) **FEDERAL SHARE.**—The Federal share of the costs of projects assisted under this subsection shall not exceed 80 percent. For purposes of determining the non-Federal share of a project assisted under this subsection, highway and transit projects shall be considered to be a program of projects.

(f) **ELIGIBLE GOVERNMENTS.**—A State or local government is eligible to receive assist-

ance under this section only if it is housing a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) **AIRPORT DEVELOPMENT PROJECTS.**—

(1) **AIRPORT DEVELOPMENT DEFINED.**—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

“(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.”.

(2) **DISCRETIONARY GRANTS.**—Section 47115(d) of title 49, United States Code, is amended—

(A) by striking “and” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “; and”; and

(C) by adding at the end the following:

“(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic events.”.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1998 through 2003.

THOMAS AMENDMENTS NOS. 1347–1350

(Ordered to lie on the table.)

Mr. THOMAS submitted four amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1347

At the appropriate place, insert the following:

SEC. . MINIMUM GUARANTEE OF TRANSIT PROGRAM FUNDS.

Section 5338 of title 49, United States Code, is amended by adding at the end the following:

“(o) **MINIMUM GUARANTEE OF TRANSIT PROGRAM FUNDS.**

“(1) **SET-ASIDE REQUIRED.**—For each fiscal year beginning after September 30, 1997, after providing for any allocation or set-asides under subsection (g) or (h), but before completing distribution of other amounts made available or appropriated under subsections (a) and (b), the Secretary shall set aside, and shall make available to each State, in addition to amounts otherwise made available to the State (or to its political subdivisions) to carry out sections 5307, 5309, 5310, and 5311, the amount calculated under paragraph (2)(B).

“(2) **CALCULATION.**—

“(A) **DEFINITION OF MINIMUM GUARANTEE THRESHOLD AMOUNT.**—In this subsection, the term ‘minimum guarantee threshold amount’ means, with respect to a State for a fiscal year, the amount equal to the product of—

“(i) total amount made available to all States and political subdivisions under sections 5307, 5309, 5310, and 5311 for that fiscal year; multiplied by

“(ii) 70 percent of the State’s percentage contribution to the estimated tax payments attributable to highway users in all States and allocated to the Mass Transit Account under section 9503(e) of the Internal Revenue Code of 1986 in the latest fiscal year for which data are available.

“(B) **CALCULATION.**—Subject to subparagraph (C) and any other limitations set forth in this subsection, the amount required to be provided to a State under this subsection is the amount, if it is a positive number, that, if added to the total amount made available to the State (and its political subdivisions) under sections 5307, 5309, 5310, and 5311 for

that fiscal year, is equal to the minimum guarantee threshold amount.

“(C) LIMITATION.—The maximum amount made available to a State under this subsection shall not exceed \$12,500,000.

“(3) SOURCE OF FUNDS.—

“(A) IN GENERAL.—Amounts required to be set aside and made available to States under this subsection—

“(i) may be obtained from any amounts under section 5309 that are made available to the Secretary for distribution at the Secretary's discretion; or

“(ii) if not, shall be obtained by proportionately reducing amounts which would otherwise be made available under subsections (a) and (b), for sections 5307, 5309, 5310, and 5311, to those States and political subdivisions for which the amount made available under sections 5307, 5309, 5310, and 5311 to the State (including political subdivisions thereof) is greater than the product of—

“(I) total amount made available to all States and political subdivisions under sections 5307, 5309, 5310, and 5311, in that fiscal year; multiplied by

“(II) the State's percentage contribution to the estimated tax payments attributable to highway users in all States and allocated to the Mass Transit Account under section 9503(e) of the Internal Revenue Code of 1986 in the latest fiscal year for which data are available.

“(B) PROPORTIONATE REDUCTIONS.—The Secretary also shall apply reductions under subparagraph (A)(ii) proportionately to amounts made available from the Mass Transit Account and to amounts made available from other sources.

“(C) OTHER REDUCTIONS.—

“(i) IN GENERAL.—Reductions otherwise required by subparagraph (A) may be taken against the amounts that otherwise would be made available to any State or political subdivision thereof, only to the extent that making those reductions would not reduce the total amount made available to the State and its political subdivisions under sections 5307, 5309, 5310, and 5311 to less than the lesser of—

“(I) 90 percent of the total of those amounts made available to the State and its political subdivisions in fiscal year 1997; or

“(II) the minimum guarantee threshold amount for the State for the fiscal year at issue.

“(ii) PROPORTIONATE REDUCTIONS.—In the event of the applicability of clause (i), the Secretary shall obtain the remainder of the amounts required to be made available to States under the minimum guarantee required by this subsection proportionately from those States, including political subdivisions, to which subparagraph (A) applies, and to which clause (i) of this subparagraph does not apply.

“(4) ATTRIBUTION OF AMOUNTS.—For the purposes of calculations under this subsection, with respect to attributing to individual States any amounts made available to political subdivisions that are multi-State entities, the Secretary shall attribute those amounts to individual States, based on such criteria as the Secretary may adopt by rule, except that, for purposes of calculations for fiscal year 1998 only, the Secretary may attribute those amounts to individual States before adopting a rule.

“(5) USE OF ADDITIONAL AMOUNTS.—Amounts made available to a State under this subsection may be used for any purpose eligible for assistance under this chapter and up to 50 percent of the amount made available to a State under this subsection for any fiscal year may be used by the State for any project or program eligible for assistance under title 23.

“(6) TREATMENT OF CERTAIN AMOUNTS.—For purposes of sections 5323(a)(1)(D) and 5333(b), amounts made available to a State under this subsection that are, in turn, awarded by the State to subgrantees, shall be treated as if apportioned—

“(A) under section 5311, if the subgrantee is not serving an urbanized area; and

“(B) directly to the subgrantee under section 5307, if the subgrantee serves an urbanized area.”.

AMENDMENT No. 1348

Strike Section 1125 of the Committee Amendment and insert in lieu thereof the following new section:

SEC. 1125. AMENDMENT TO 23 U.S.C. §302.

Section 302 of Title 23 United States Code is amended to read:

§ 302. State highway department

(a) Any State desiring to avail itself of the provisions of this title shall have a State highway department which shall have adequate powers, and be suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by this title. Among other things, the organization shall include a secondary road unit. In meeting the provisions of this subsection, a State shall rely on entities in the private enterprise system—including but not limited to commercial firms in architecture, engineering, construction, surveying, mapping, laboratory testing, and information technology—to provide such goods and services as are reasonably and expeditiously available through ordinary business channels, and shall not duplicate or compete with entities in the private enterprise system.

(b) The Secretary shall promulgate regulations and procedures to inform each State and any other agency that administers this Act and each recipient of a grant or other Federal assistance of the requirements of subsection (a).

(c) The State highway department may arrange with a county or group of counties for competent highway engineering personnel suitably organized and equipped to the satisfaction of the State highway department, to perform inherently governmental functions on a county-unit or group-unit basis, for the construction of projects on the Federal-aid secondary system, financed with secondary funds, and for the maintenance thereof.

AMENDMENT No. 1349

At the appropriate place in the amendment, insert the following new section and renumber any remaining sections accordingly:

“SEC. . WASTE TIRE RECYCLING RESEARCH PROGRAM.

(a) RESEARCH GRANTS AND CONTRACTS.—The Administrator may use funds to make a grant or enter into a contract or cooperative agreement with a person to conduct research and development on—

(1) waste tire/waste oil processing and recycling technologies; or

(2) the use, performance, and marketability of products made from carbonous materials and oil products produced from waste tire processing.

(b) RESEARCH PROGRAM.—The Administrator shall conduct a program of research to determine—

(1) the public health and environmental risks associated with the production and use of asphalt pavement containing tire-derived carbonous asphalt modifiers;

(2) the performance of asphalt pavement containing tire-derived carbonous asphalt modifiers under various climate and use conditions; and

(3) the degree to which asphalt pavement containing tire-derived carbonous asphalt modifiers can be recycled.

(c) DATE OF COMPLETION.—The Administrator shall complete the research program under subsection (b) of this section not later than 3 years after the enactment of this Act.

AMENDMENT No. 1350

On page 54, between lines 2 and 3, insert the following:

(d) ADDITIONAL FUNDING FOR PARK ROADS AND PARKWAYS.—

(1) IN GENERAL.—Section 202(c) of title 23, United States Code, is amended—

(A) by striking “(c) On” and inserting the following:

“(c) PARK ROADS AND PARKWAYS.—

“(1) IN GENERAL.—On”;

(B) in paragraph (1) (as so designated), by inserting “, and the amount set aside under paragraph (2),” after “appropriated”; and

(C) by adding at the end the following:

“(2) SET-ASIDE.—For each of fiscal years 1998 through 2003, the Secretary shall set aside from funds deducted under 104(a) \$50,000,000 for allocation in accordance with paragraph (1).”.

(2) CONFORMING AMENDMENT.—Section 104(b) of title 23, United States Code (as amended by section 1102(a)), is amended in the matter preceding paragraph (1) by inserting “and section 202(c)(2)” after “(f)”.

HUTCHISON AMENDMENTS NO. 1351-1354

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted four amendments intended to be proposed by her to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1351

On page 99, strike lines 22 through 25 and insert the following:

“programs;

“(J) other factors to promote transport efficiency and safety, as determined by the Secretary; and

“(K) the ratio that the annual tonnage of commercial vehicle traffic at the border stations or ports of entry in each State bears to the annual tonnage of commercial vehicle traffic at the border stations or ports of entry of all States.”

AMENDMENT No. 1352

On page 397, strike line 16 and insert the following:

“scribed in section 529.

“(3) CONTINUANCE OF PARTNERSHIP AGREEMENT.—Under the program, the Secretary shall continue in effect, at a funding level of \$1,300,000 for each of fiscal years 1998, 1999, and 2000, a public-private, multimodal partnership agreement entered into by the Secretary before the date of enactment of this chapter providing for the integration of the freeway arterial, transit, railroad, and emergency management components of surface transportation management system.”

AMENDMENT No. 1353

On page 302, strike line 5 and insert the following:

(g) TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.—Section 129(a)(3) of title 23, United States Code, is amended—

(1) by striking “Before the Secretary” and inserting the following:

“(A) IN GENERAL.—Before the Secretary”;

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

“(B) Exceptions.—

“(i) IN GENERAL.—If the State”; and

(3) by adding at the end the following:

“(ii) TOLL FACILITIES FINANCED BY LOANS.—In the case of a toll facility owned and operated by a local government that is financed

by a loan to the local government under paragraph (7), if the local government certifies annually that the tolled facility is being adequately maintained, the limitations on the use of any toll revenues under subparagraph (A) shall not apply.”.

(h) RAILWAY-HIGHWAY CROSSINGS.—Section 130(f)

AMENDMENT NO. 1354

At the end of the bill, add the following:

TITLE —AMTRAK REFORM AND ACCOUNTABILITY

SEC. 01. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This title may be cited as the “Amtrak Reform and Accountability Act of 1997”.

(b) TABLE OF SECTIONS.—The table of sections for this title is as follows:

Sec. 01. Short title; table of sections.
Sec. 02. Findings.

Subtitle A—Reforms

PART 1—OPERATIONAL REFORMS

Sec. 101. Basic system.
Sec. 102. Mail, express, and auto-ferry transportation.
Sec. 103. Route and service criteria.
Sec. 104. Additional qualifying routes.
Sec. 105. Transportation requested by States, authorities, and other persons.
Sec. 106. Amtrak commuter.
Sec. 107. Through service in conjunction with intercity bus operations.
Sec. 108. Rail and motor carrier passenger service.
Sec. 109. Passenger choice.
Sec. 110. Application of certain laws.

PART 2—PROCUREMENT.

Sec. 121. Contracting out.

PART 3—Employee Protection Reforms

Sec. 141. Railway Labor Act Procedures.
Sec. 142. Service discontinuance.

PART 4—USE OF RAILROAD FACILITIES

Sec. 161. Liability limitation.
Sec. 162. Retention of facilities.

Subtitle B—Fiscal Accountability

Sec. 201. Amtrak financial goals.
Sec. 202. Independent assessment.
Sec. 203. Amtrak Reform Council.
Sec. 204. Sunset trigger.
Sec. 205. Access to records and accounts.
Sec. 206. Officers' pay.
Sec. 207. Exemption from taxes.

Subtitle C—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle D—Miscellaneous

Sec. 401. Status and applicable laws.
Sec. 402. Waste disposal.
Sec. 403. Assistance for upgrading facilities.
Sec. 404. Demonstration of new technology.
Sec. 405. Program master plan for Boston-New York main line.
Sec. 406. Americans with Disabilities Act of 1990.
Sec. 407. Definitions.
Sec. 408. Northeast Corridor cost dispute.
Sec. 409. Inspector General Act of 1978 amendment.
Sec. 410. Interstate rail compacts.
Sec. 411. Composition of Amtrak board of directors.
Sec. 412. Educational participation.
Sec. 413. Report to Congress on Amtrak bankruptcy.
Sec. 414. Amtrak to notify Congress of lobbying relationships.

SEC. 02. FINDINGS.

The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations se-

verely limiting its ability to cover operating costs and jeopardizing its long-term viability;

(3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;

(4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;

(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

(7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its employees should proceed quickly with proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance;

(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;

(10) Amtrak's Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—

(A) a national passenger rail system; and
(B) that system without Federal operating assistance; and

(11) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.

SUBTITLE A—REFORMS

SUBTITLE A—OPERATIONAL REFORMS

SEC. 101. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 of title 49, United States Code, is amended to read as follows:

“§ 24701. Operation of basic system

“Amtrak shall provide intercity rail passenger transportation within the basic system. Amtrak shall strive to operate as a national rail passenger transportation system which provides access to all areas of the country and ties together existing and emergent regional rail passenger corridors and other intermodal passenger service.”.

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(c) DISCONTINUANCE.—Section 24706 of title 49, United States Code, is amended—

(1) by striking “90 days” and inserting “180 days” in subsection (a)(1);

(2) by striking “24707(a) or (b) of this title,” in subsection (a)(1) and inserting “discontinuing service over a route,”;

(3) by inserting “or assume” after “agree to share” in subsection (a)(1); and

(4) by striking “section 24707(a) or (b) of this title” in subsections (a)(2) and (b)(1) and inserting “paragraph (1)”.

(d) COST AND PERFORMANCE REVIEW.—Section 24707 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 of title 49, United States Code, and the item relating thereto in the table of

sections of chapter 247 of such title, are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking “, 24701(a),”.

SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 of title 49, United States Code, is amended—

(1) by striking the last sentence of subsection (a);

(2) by striking subsection (b) and inserting the following:

“(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.”.

SEC. 103. ROUTE AND SERVICE CRITERIA.

Section 24703 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 104. ADDITIONAL QUALIFYING ROUTES.

Section 24705 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

Section 24101(c)(2) of title 49, United States Code, is amended by inserting “, separately or in combination,” after “and the private sector”.

SEC. 106. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 of title 49, United States Code, and the item relating thereto in the table of chapters of subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301(f) of title 49, United States Code, is amended to read as follows:

“(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.”.

(c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

(a) IN GENERAL.—Section 24305(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

“(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

“(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

“(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

“(B) Subparagraph (A) shall not apply to transportation funded predominantly by a

State or local government, or to ticket selling agreements.”.

(b) **POLICY STATEMENT.**—Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

“(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in section 11342(a) of this title for the purpose of providing improved service to the public and economy of operation.”.

SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.

(a) **IN GENERAL.**—Notwithstanding any other provision of law (other than section 24305(a) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(b) **REVIEW.**—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.

SEC. 109. PASSENGER CHOICE.

Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.

SEC. 110. APPLICATION OF CERTAIN LAWS.

(a) **APPLICATION OF FOIA.**—Section 24301(e) of title 49, United States Code, is amended by adding at the end thereof the following: “Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.”.

(b) **APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.**—Section 303B(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 3253b(m)) applies to a proposal in the possession or control of Amtrak.

SUBTITLE B—PROCUREMENT

SEC. 121. CONTRACTING OUT.

(a) **CONTRACTING OUT REFORM.**—Effective 180 days after the date of enactment of this Act, section 24312 of title 49, United States Code, is amended—

(1) by striking the paragraph designation for paragraph (1) of subsection (a);

(2) by striking “(2)” in subsection (a)(2) and inserting “(b)”;

(3) by striking subsection (b).

The amendment made by paragraph (3) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.

(b) **NOTICES.**—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees, which are applicable to employees of Amtrak shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice. This subsection shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee. The issue for negotiation

under this paragraph does not include the contracting out of work involving food and beverage services provided on Amtrak trains or the contracting out of work not resulting in the layoff of Amtrak employees.

(c) **NATIONAL MEDIATION BOARD EFFORTS.**—Except as provided in subsection (d), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (b), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(d) **RAILWAY LABOR ACT ARBITRATION.**—The parties to the dispute described in subsection (b) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(e) **DISPUTE RESOLUTION.**—

(1) With respect to the dispute described in subsection (b) which—

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (d),

Amtrak shall, and the labor organizations that are parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection of the individual under the preceding sentence 134 days after the date of enactment of this Act, the Board will immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad or who is selected pursuant to section 141(d) of this Act.

(3) This compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (b) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (b) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (b).

(f) **NO PRECEDENT FOR FREIGHT.**—Nothing in this section shall be a precedent for the resolution of any dispute between a freight railroad and any labor organization representing that railroad’s employees.

SUBTITLE C—EMPLOYEE PROTECTION REFORMS

SEC. 141. RAILWAY LABOR ACT PROCEDURES.

(a) **NOTICES.**—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to em-

ployee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

(b) **NATIONAL MEDIATION BOARD EFFORTS.**—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(c) **RAILWAY LABOR ACT ARBITRATION.**—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(d) **DISPUTE RESOLUTION.**—

(1) With respect to the dispute described in subsection (a) which

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c), Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board will immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad or who is selected pursuant to section 121(e) of this Act.

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

SEC. 142. SERVICE DISCONTINUANCE.

(a) **REPEAL.**—Section 24706(c) of title 49, United States Code, is repealed.

(b) **EXISTING CONTRACTS.**—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished,

including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) **SPECIAL EFFECTIVE DATE.**—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

(d) **NONAPPLICATION OF BANKRUPTCY LAW PROVISION.**—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

SUBTITLE D—USE OF RAILROAD FACILITIES

SEC. 161. LIABILITY LIMITATION.

(a) **AMENDMENT.**—Chapter 281 of title 49, United States Code, is amended by adding at the end the following new section:

“§ 28103. Limitations on rail passenger transportation liability

“(a) **LIMITATIONS.**—

“(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, a contract between Amtrak and its passengers or private railroad car operators and their passengers regarding claims for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation, or from or in connection with any operations over or use of right-of-way or facilities owned, leased, or maintained by Amtrak, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, or any rail carrier shall be enforceable if—

“(A) punitive or exemplary damages, where permitted, are not limited to less than 2 times compensatory damages awarded to any claimant by any State or Federal court or administrative agency, or in any arbitration proceeding, or in any other forum or \$250,000, whichever is greater; and

“(B) passengers are provided adequate notice of any such contractual limitation or waiver or choice of forum.

“(2) For purposes of this subsection, the term ‘claim’ means a claim made directly or indirectly—

“(A) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, or any rail carrier or private rail car operators; or

“(B) against an affiliate engaged in railroad operations, officer, employee, or agent of, Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, or any rail carrier.

“(3) Notwithstanding paragraph (1)(A), in any case in which death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, a claimant may recover in a claim limited by this subsection for actual or compensatory damages measured by the pecuniary injuries, resulting from such death, to the persons for whose benefit the action was brought, subject to the provisions of paragraph (1).

“(b) **INDEMNIFICATION OBLIGATION.**—Obligations of any party, however arising, including obligations arising under leases or contracts or pursuant to orders of an administrative agency, to indemnify against damages or liability for personal injury, death, or damage to property described in subsection (a), incurred after the date of the enactment of the Amtrak Reform and Accountability Act of 1997, shall be enforceable, notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to the damages or liability.”

(e) **CONFORMING AMENDMENT.**—The table of sections of chapter 281 of title 49, United

States Code, is amended by adding at the end the following new item:

“28103. Limitations on rail passenger transportation liability.”

SEC. 162. RETENTION OF FACILITIES.

Section 24309(b) of title 49, United States Code, is amended by inserting “or on January 1, 1997,” after “1979.”

SUBTITLE B—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) of title 49, United States Code, is amended by adding at the end thereof the following: “Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.”

SEC. 202. INDEPENDENT ASSESSMENT.

(a) **INITIATION.**—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak and of the Department of Transportation to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. The Department of Transportation, Office of Inspector General, shall approve the entity’s statement of work and the award and shall oversee the contract. In carrying out its responsibilities under the preceding sentence, the Inspector General’s Office shall perform such overview and validation or verification of data as may be necessary to assure that the assessment conducted under this subsection meets the requirements of this section.

(b) **ASSESSMENT CRITERIA.**—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described above, using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak’s funding needs.

(c) **CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.**—The independent assessment shall take into account all relevant factors, including Amtrak’s—

(1) cost allocation process and procedures;

(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;

(3) Strategic Business Plan, including Amtrak’s projected expenses, capital needs, ridership, and revenue forecasts; and

(4) Amtrak’s assets and liabilities.

For purposes of paragraph (3), in the capital needs part of its Strategic Business Plan Amtrak shall distinguish between that portion of the capital required for the Northeast corridor and that required outside the Northeast corridor, and shall include rolling stock requirements, including capital leases, “state of good repair” requirements, and infrastructure improvements.

(d) **DEADLINE.**—The independent assessment shall be completed not later than 180 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

SEC. 203. AMTRAK REFORM COUNCIL.

(a) **ESTABLISHMENT.**—There is established an independent commission to be known as the Amtrak Reform Council.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Council shall consist of 11 members, as follows:

(A) The Secretary of Transportation.

(B) Two individuals appointed by the President, of which—

(i) one shall be a representative of a rail labor organization; and

(ii) one shall be a representative of rail management.

(C) Three individuals appointed by the Majority Leader of the United States Senate.

(D) One individual appointed by the Minority Leader of the United States Senate.

(E) Three individuals appointed by the Speaker of the United States House of Representatives.

(F) One individual appointed by the Minority Leader of the United States House of Representatives.

(2) **APPOINTMENT CRITERIA.**—

(A) **TIME FOR INITIAL APPOINTMENTS.**—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) **EXPERTISE.**—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

(i) may not be employees of the United States;

(ii) may not be board members or employees of Amtrak;

(iii) may not be representatives of rail labor organizations or rail management; and

(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

(3) **TERM.**—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual’s predecessor was appointed.

(4) **CHAIRMAN.**—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (2)(A); or

(B) 45 days after the date of enactment of this Act.

(4) **MAJORITY REQUIRED FOR ACTION.**—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(c) **ADMINISTRATIVE SUPPORT.**—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

(d) **TRAVEL EXPENSES.**—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

(e) **MEETINGS.**—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

(f) **ACCESS TO INFORMATION.**—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is a

trade secret or commercial or financial information that is privileged or confidential.

(g) DUTIES.—

(1) EVALUATION AND RECOMMENDATION.—The Council—

(A) shall evaluate Amtrak's performance; and

(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council take consider all relevant performance factors, including—

(A) Amtrak's operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(h) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act, the Council shall submit to the Congress a report that includes an assessment of Amtrak's progress on the resolution or status of productivity issues; and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

SEC.—204. SUNSET TRIGGER.

(a) IN GENERAL.—If at any time more than 2 years after the date of enactment of this Act and implementation of the financial plan referred to in section 201 of Amtrak Reform Council finds that—

(1) Amtrak's business performance will prevent it from meeting the financial goals set forth in section 201; or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act, then

the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate; and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) FACTORS CONSIDERED.—In making a finding under subsection (a), the Council shall take into account—

(1) Amtrak's performance;

(2) the findings of the independent assessment conducted under section 202;

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 201; and

(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(c) ACTION PLAN.—

(1) DEVELOPMENT OF PLANS.—Within 90 days after the Council makes a finding under subsection (a)—

(A) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(B) Amtrak shall develop and submit to the Congress an action plan for the complete liquidation of Amtrak, after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.

(2) CONGRESSIONAL ACTION OR INACTION.—If within 90 days after receiving the plans sub-

mitted under paragraph (1), an Act to implement a restructured and rationalized intercity rail passenger system does not become law, then Amtrak shall implement the liquidation plan developed under paragraph (1)(B) after such modification as may be required to reflect the recommendations, if any, of the Inspector General of the Department of Transportation and the General Accounting Office.

SEC. 205. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.”.

SEC. 206. OFFICERS' PAY.

Section 24303(b) of title 49, United States Code, is amended by adding at the end the following: “The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.”.

SEC. 207. EXEMPTION FROM TAXES.

(a) IN GENERAL.—Subsection (1) of section 24301 of title 49, United States Code, is amended—

(1) by striking so much of paragraph (1) as precedes “exempt” and inserting the following:

“(1) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are”;

(2) by striking “tax or fee imposed” in paragraph (1) and all that follows through “levied on it” and inserting “tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom”;

(3) by striking the last sentence of paragraph (1);

(4) by striking “(2) The” in paragraph (2) and inserting “(3) JURISDICTION OF UNITED STATES DISTRICT COURTS.—The”; and

(5) by inserting after paragraph (1) the following:

“(2) PHASE-IN OF EXEMPTION FOR CERTAIN EXISTING TAXES AND FEES.—

“(A) YEARS BEFORE 2000.—Notwithstanding paragraph (1), Amtrak is exempt from a tax or fee referred to in paragraph (1) that Amtrak was required to pay as of September 10, 1982, during calendar years 1997 through 1999, only to the extent specified in the following table:

PHASE-IN OF EXEMPTION	
<i>Year of assessment</i>	<i>Percentage of exemption</i>
1997	40
1998	60
1999	80
2000 and later years	100

“(B) TAXES ASSESSED AFTER MARCH, 1999.—Amtrak shall be exempt from any tax or fee referred to in subparagraph (A) that is assessed on or after April 1, 1999.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) do not apply to sales taxes imposed on intrastate travel as of the date of enactment of this Act.

SUBTITLE C—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 24104(a) of title 49, United States Code, is amended to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation—

“(1) \$1,138,000,000 for fiscal year 1998;

“(2) \$1,058,000,000 for fiscal year 1999;

“(3) \$1,023,000,000 for fiscal year 2000;

“(4) \$989,000,000 for fiscal year 2001; and

“(5) \$955,000,000 for fiscal year 2002, for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.”.

SUBTITLE D—MISCELLANEOUS

SEC.—401. STATUS AND APPLICABLE LAWS.

Section 24301 of title 49, United States Code, is amended—

(1) by striking “rail carrier under section 10102” in subsection (a)(1) and inserting “railroad carrier under section 20102(2) and chapters 261 and 281”; and

(2) by amending subsection (c) to read as follows:

“(c) APPLICATION OF SUBTITLE IV.—Sub-
title IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502 (a) and (d), and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.”.

SEC.—402. WASTE DISPOSAL.

Section 24301(m)(1)(A) of title 49, United States Code, is amended by striking “1996” and inserting “2001”.

SEC.—403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC.—404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 of title 49, United States Code, and the item relating thereto in the table of sections for chapter 243 of that title, are repealed.

SEC.—405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 of title 49, United States Code, is repealed and the table of sections for chapter 249 of such title is amended by striking the item relating to that section.

(b) CONFORMING AMENDMENTS.—

(1) Section 24902 of title 49, United States Code is amended by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (j), respectively.

(2) Section 24904(a)(8) is amended by striking “the high-speed rail passenger transportation area specified in section 24902(a)(1) and (2)” and inserting “a high-speed rail passenger transportation area”.

SEC.—406. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—

(1) ACCESS IMPROVEMENTS AT CERTAIN SHARED STATIONS.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements at any station jointly used by Amtrak and a commuter authority.

(2) CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1998.—Amtrak shall not be subject to

any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 of title 49, United States Code, is amended—

- (1) by striking subsection (b); and
- (2) by redesignating subsection (c) as subsection (b).

SEC.—407. DEFINITIONS.

Section 24102 of title 49, United States Code, is amended—

- (1) by striking paragraphs (2) and (11);
- (2) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively; and
- (3) by inserting “, including a unit of State or local government,” after “means a person” in paragraph (7), as so redesignated.

SEC.—408. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC.—409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT

(a) AMENDMENT.—

(1) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “Amtrak.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect in the first fiscal year for which Amtrak receives no Federal subsidy.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

(c) FEDERAL SUBSIDY.—

(1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak's operations and conduct an assessment similar to the assessment required by section 202(a). The Inspector General shall report the results of the review and assessment to—

- (A) the President of Amtrak;
- (B) the Secretary of Transportation;
- (C) the United States Senate Committee on Appropriations;
- (D) the United States Senate Committee on Commerce, Science, and Transportation;
- (E) the United States House of Representatives Committee on Appropriations;
- (F) the United States House of Representatives Committee on Transportation and Infrastructure.

(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.

(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act.

SEC.—410. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

- (1) retaining an existing service or commencing a new service;
- (2) assembling rights-of-way; and
- (3) performing capital improvements, including—
 - (A) the construction and rehabilitation of maintenance facilities;
 - (B) the purchase of locomotives; and
 - (C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

- (1) accept contributions from a unit of State or local government or a person;
- (2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);
- (3) on such terms and conditions as the States consider advisable—
 - (A) borrow money on a short-term basis and issue notes for the borrowing; and
 - (B) issue bonds; and
- (4) obtain financing by other means permitted under Federal or State law.

(c) ELIGIBLE PROJECTS.—Section 133(b) of title 23, United States Code, is amended by striking “and publicly owned intracity or intercity bus terminals and facilities.” in paragraph (2) and inserting “facilities, including vehicles and facilities, publicly or privately owned, that are used to provide intercity passenger service by bus or rail, or a combination of both.”

(d) ELIGIBILITY OF PASSENGER RAIL UNDER CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The first sentence of section 149(b) of title 23, United States Code, is amended—

- (1) by striking “or” at the end of paragraph (3);
- (2) by striking “standard.” in paragraph (4) and inserting “standard; or”
- (3) by inserting after paragraph (4) the following:

“(5) if the project or program will have air quality benefits through construction of and operational improvements for intercity passenger rail facilities, operation of intercity passenger rail trains, and acquisition of rolling stock for intercity passenger rail service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operating support.”

(e) ELIGIBILITY OF PASSENGER RAIL AS NATIONAL HIGHWAY SYSTEM PROJECT.—Section 103(i) of title 23, United States Code, is amended by adding at the end thereof the following:

“(14) Construction, reconstruction, and rehabilitation of, and operational improvements for, intercity rail passenger facilities (including facilities owned by the National Railroad Passenger Corporation), operation of intercity rail passenger trains, and acquisition or reconstruction of rolling stock for intercity rail passenger service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operation.”

SEC. 411. COMPOSITION OF AMTRAK BOARD OF DIRECTORS.

Section 24302(a) of title 49, United States Code, is amended—

- (1) by striking “3” in paragraph (1)(C) and inserting “4”;
- (2) by striking clauses (i) and (ii) of paragraph (1)(C) and inserting the following:
 - “(i) one individual selected as a representative of rail labor in consultation with affected labor organizations.
 - “(ii) one chief executive officer of a State, and one chief executive officer of a municipality, selected from among the chief executive officers of State and municipalities with an interest in rail transportation, each of whom may select an individual to act as the officer's representative at board meetings.”;
- (4) by striking subparagraphs (D) and (E) of paragraph (1);
- (5) by inserting after subparagraph (C) the following:

“(D) 3 individuals appointed by the President of the United States, as follows:

“(i) one individual selected as a representative of a commuter authority, (as defined in

section 102 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 702) that provides its own commuter rail passenger transportation or makes a contract with an operator, in consultation with affected commuter authorities.

“(ii) one individual with technical expertise in finance and accounting principles.

“(iii) one individual selected as a representative of the general public.”; and

(6) by striking paragraph (6) and inserting the following:

“(6) The Secretary may be represented at a meeting of the Board by his designate.”

The amendments made by this section shall not affect the term of any sitting director as of the date of enactment.

SEC. 412. EDUCATIONAL PARTICIPATION.

Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.

SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.

Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy on the Federal government, Amtrak's creditors, and the Railroad Retirement System.

SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.

If, at any time, Amtrak enters into a consulting contract or similar arrangement, or a contract for lobbying, with a lobbying firm, an individual who is a lobbyist, or who is affiliated with a lobbying firm, as those terms are defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

- (1) the name of the individual or firm involved;
- (2) the purpose of the contract or arrangement; and
- (3) the amount and nature of Amtrak's financial obligation under the contract.

DEWINE AMENDMENTS NOS. 1355–1356

(Ordered to lie on the table.)

Mr. DEWINE submitted two amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1355

On page 236, strike line 16 and insert the following: subsection (a).

SEC. 1408. SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, recommend a new data collection regiment and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation;

(iii) mass transportation operators; and

(iv) employee organizations;

(B) academic and policy analysts; and

(C) other interested parties.

(c) **REPORT.**—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) **AUTHORIZATION OF CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

(A) \$200,000 for fiscal year 1998; and

(B) \$200,000 for fiscal year 1999.

(2) **CONTRACT AUTHORITY.**—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 1409. IMPROVED INTERSTATE SCHOOL BUS SAFETY.

(a) **APPLICABILITY OF FEDERAL MOTOR CARRIER SAFETY REGULATORY TO INTERSTATE SCHOOL BUS OPERATIONS.**—Section 31136 of title 49, United States Code, is amended by adding at the end of the following:

“(g) **APPLICABILITY TO SCHOOL TRANSPORTATION OPERATIONS OF LOCAL EDUCATIONAL AGENCIES.**—Not later than 6 months after the date of enactment of this subsection, the Secretary shall issue regulations that require that the relevant commercial motor vehicle safety standards issued under subsection (a) apply to all interstate school transportation operations conducted by local educational agencies (as that term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)).”

(b) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the status of compliance by private for-hire motor carriers and local educational agencies (as that term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) in meeting the requirements of section 31136 of title 49, United States Code; and

(2) any activities carried out by the Secretary or 1 or more States to enforce the requirements referred to in paragraph (1).

AMENDMENT No. 1356

Beginning on page 225, strike line 12 and all that follows through page 227, line 13, and insert the following:

“(5) **REPEAT INTOXICATED DRIVER LAW.**—The term ‘repeat intoxicated driver law’ means a State law that—

“(A) provides, as a minimum penalty, that an individual convicted of a second offense for driving while intoxicated or driving under the influence within 5 years after a conviction for that offense shall receive—

“(i)(I) a license suspension for not less than 1 year; or

“(II) a license restriction for not less than 1 year permitting the individual to drive only a vehicle that is equipped with a functioning ignition interlock device;

“(ii) an assessment of the individual’s degree of abuse of alcohol and treatment as appropriate; and

“(iii)(I) an assignment of 30 days of community service; or

“(II) 5 days of imprisonment; and

“(B) provides that each of the sanctions under subparagraph (A) shall be increased by 10 percent for each subsequent such offense within a 5-year period.

“(b) **TRANSFER OF FUNDS.**—

“(1) **FISCAL YEARS 2001 AND 2002.**—

“(A) **IN GENERAL.**—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402 to be used—

“(i) for alcohol-impaired driving countermeasures; or

“(ii) for enforcement by State and local law enforcement agencies laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including use for purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures dedicated to enforcement of those laws.

“(B) **DERIVATION OF AMOUNT TO BE TRANSFERRED.**—An amount transferred under subparagraph (A) may be derived—

“(i) from the apportionment of the State under section 104(b)(1);

“(ii) from the apportionment of the State under section 104(b)(3); or

“(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

“(2) **FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.**—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer 3 percent of the funds apportioned to the State on that date under each of paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402 to be used—

“(A) for alcohol-impaired driving countermeasures; or

“(B) for enforcement by State and local law enforcement agencies laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including use for the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures dedicated to enforcement of those laws.

MCCAIN AMENDMENTS NOS. 1357–1364

(Ordered to lie on the table.)

Mr. MCCAIN submitted eight amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1357

At the appropriate place, insert the following:

SEC. —. HIGHWAY DEMONSTRATION PROJECTS.

(a) **FINDINGS.**—The Senate finds that—

(1) 10 demonstration projects totaling \$362 million were listed for special line-item funding in the Surface Transportation Assistance Act of 1982;

(2) 152 demonstration projects totaling \$1.4 billion were named in the Surface Transpor-

tation and Uniform Relocation Assistance Act of 1987;

(3) 64 percent of the funding for the 152 projects had not been obligated after 5 years and State transportation officials determined the projects added little, if any, to meeting their transportation infrastructure priorities;

(4) 538 location specific projects totaling \$6.23 billion were included in the Intermodal Surface Transportation Efficiency Act of 1991;

(5) more than \$3.3 billion of the funds authorized for the 538 location specific-projects remained unobligated as of January 31, 1997;

(6) the General Accounting Office determined that 31 States plus the District of Columbia and Puerto Rico would have received more funding if the Intermodal Surface Transportation Efficiency Act location-specific project funds were redistributed as Federal-aid highway program apportionments;

(7) this type of project funding diverts Highway Trust Fund money away from State transportation priorities established under the formula allocation process and under the Intermodal Surface Transportation and Efficiency Act of 1991;

(8) on June 20, 1995, by a vote of 75 yeas to 21 nays, the Senate voted to prohibit the use of Federal Highway Trust Fund money for future demonstration projects;

(9) the Intermodal Surface Transportation and Efficiency Act of 1991 expires at the end of Fiscal Year 1997; and

(10) legislation is pending in the House of Representatives sets aside \$4.3 billion in new mandatory spending for so-called “high priority” projects.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) notwithstanding different views one existing Highway Trust fund distribution formulas, funding for demonstration projects or other similarly titled projects diverts Highway Trust Fund money away from State priorities and deprives States of the ability to adequately address their transportation needs;

(2) State are best able to determine the priorities for allocating Federal-Aid-To-Highway monies within their jurisdiction;

(3) Congress should not divert limited Highway Trust Funds resources away from State transportation priorities by authorizing new highway projects; and

(4) Congress should not authorize any new demonstration projects, similarly-titled projects, or legislative discretionary projects.

AMENDMENT No. 1358

On page 40, strike lines 1 through 16.

AMENDMENT No. 1359

Notwithstanding any provision of law, authorizations and appropriations for demonstration projects shall lapse for any project for which funds have not been obligated within three years.

AMENDMENT No. 1360

Notwithstanding any other provision of law, the Secretary shall limit obligations for demonstration projects, or any similarly titled high priority projects that are authorized or appropriated.

AMENDMENT No. 1361

At the appropriate place, insert the following:

SEC. 105. PROTECTION OF CHILDREN FROM AIR-BAG HARM.

(a) **SUSPENSION OF UNBELTED BARRIER TESTING.**—The provision in Federal Motor Vehicle Safety Standard No. 208 set forth at

section 571.208 of the Department of Transportation Regulations (49 C.F.R. 571.208) requiring air bag-equipped vehicles to be crashed into a barrier using unbelted 50th percentile adult male dummies is hereby suspended.

(b) **RULEMAKING TO PROTECT CHILDREN.**—

(1) **IN GENERAL.**—Not later than June 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to amend and improve the occupant protection provided by Federal Motor Vehicle Safety Standard No. 208. The notice shall propose that air bags provide protection to individuals according to the following priorities:

(A) **FIRST PRIORITY.**—To minimize the risk of harm to children from air bags.

(B) **SECOND PRIORITY.**—To improve protection for belted occupants.

(C) **THIRD PRIORITY.**—To protect unbelted occupants to the extent reasonable and practicable, consistent with minimizing the risk to children.

(2) **METHODS TO ENSURE PROTECTION.**—Notwithstanding subsection (a), the notice required by paragraph (a) may include such static and dynamic tests as the Secretary determines to be reasonable, practicable, and appropriate to ensure the safety of children, especially those who are unbelted and out of position, as well as the safety of other vehicle occupants, consistent with the priorities set forth in paragraph (1).

(3) **FINAL RULE.**—The Secretary shall complete the rulemaking required by this subsection by issuing, not later than June 1, 1999, a final rule consistent with paragraphs (1) and (2) of this subsection. The Secretary may extend the period for issuing the final rule for not more than 6 months. If the Secretary extends that period, then the Secretary shall state the reasons for the extension in the notice of extension.

AMENDMENT No. 1362

At the appropriate place, insert the following:

SEC. . AIRBAG DEPLOYMENT RULE-MAKING PROCEDURE.

The Secretary shall provide notice and an opportunity for public comment for establishing a threshold for the deployment on impact of a passive passenger restraint system in passenger motor vehicles.

AMENDMENT No. 1363

At the appropriate place, insert the following:

SEC. . DOT TO DETERMINE ELIGIBILITY FOR AIRBAG SWITCH USE.

If the Secretary of Transportation, under any provision of law, permits the employment of a device or switch to activate or deactivate a passive passenger restraint system installed in passenger motor vehicles and establishes criteria for the determination of what individuals or classes of individuals are eligible to use that device or switch, then that determination shall be made by the Secretary.

AMENDMENT No. 1364

At the end of the amendment, insert the following:

SECTION 1. SHORT TITLE; APPLICATION WITH PRECEDING PROVISIONS AND AMENDMENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Intermodal Transportation Safety Act of 1997”.

(b) **APPLICATION.**—The provisions of this Act appearing after this section, including any amendment made by any such provision, supersede any provision appearing before this section to the extent that the provisions or amendments appearing after this section conflict with and cannot be reconciled with

the provisions (including amendments) appearing before this section. For purposes of this subsection, conflicts of enumeration or lettering of subdivisions of any provision of law amended by this Act, and conflicts of captions of any provision of law amended by this Act, shall be ignored.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title; application with preceding provisions of amendments.
- Sec. 2. Amendment of title 49, United States Code.
- Sec. 3. Table of contents.

Title I—Highway Safety

- Sec. 101. Highway safety programs.
- Sec. 102. National driver register.
- Sec. 103. Authorizations of appropriations.
- Sec. 104. Airbags.
- Sec. 105. Protection of children from air-bag harm.

Title II—Hazardous materials transportation reauthorization

- Sec. 201. Findings and purposes; definitions.
- Sec. 202. Handling criteria repeal.
- Sec. 203. Hazmat employee training requirements.
- Sec. 204. Registration.
- Sec. 205. Shipping paper retention.
- Sec. 206. Unsatisfactory safety rating.
- Sec. 207. Public sector training curriculum.
- Sec. 208. Planning and training grants.
- Sec. 209. Special permits and exclusions.
- Sec. 210. Administration.
- Sec. 211. Cooperative agreements.
- Sec. 212. Enforcement.
- Sec. 213. Penalties.
- Sec. 214. Preemption.
- Sec. 215. Judicial review.
- Sec. 216. Hazardous material transportation reauthorization.
- Sec. 217. Authorization of appropriations.

Title III—Comprehensive One-call Notification

- Sec. 301. Findings.
- Sec. 302. Establishment of one-call notification programs.

Title IV—Motor Carrier Safety

- Sec. 401. Statement of purpose.
- Sec. 402. Grants to States.
- Sec. 403. Federal share.
- Sec. 404. Authorization of appropriations.
- Sec. 405. Information systems and strategic safety initiatives.
- Sec. 406. Improved flow of driver history pilot program.
- Sec. 407. Motor carrier and driver safety research.
- Sec. 408. Authorization of appropriations.
- Sec. 409. Conforming amendments.
- Sec. 410. Automobile transporter defined.
- Sec. 411. Repeal of review panel; review procedure.
- Sec. 412. Commercial motor vehicle operators.
- Sec. 413. Penalties.
- Sec. 414. International registration plan and international fuel tax agreement.
- Sec. 415. Study of adequacy of parking facilities.
- Sec. 416. National minimum drinking age—technical corrections.

- Sec. 417. Application of regulations.
- Sec. 418. Authority over charter bus transportation.
- Sec. 419. Federal motor carrier safety investigations.
- Sec. 420. Foreign motor carrier safety fitness.
- Sec. 421. Commercial motor vehicle safety advisory committee.
- Sec. 422. Waivers; exemptions; pilot programs.
- Sec. 423. Commercial motor vehicle safety studies.
- Sec. 424. Increased MCSAP participation impact study.

Title V—Rail and Mass Transportation Anti-terrorism; Safety

- Sec. 501. Purpose.
 - Sec. 502. Amendment to the “wrecking trains” statute.
 - Sec. 503. Terrorist attacks against mass transportation.
 - Sec. 504. Investigative jurisdiction.
 - Sec. 505. Safety considerations in grants or loans to commuter railroads.
 - Sec. 506. Railroad accident and incident reporting.
 - Sec. 507. Vehicle weight limitations—mass transportation buses.
- Title—VI Sportfishing and Boating Safety**
- Sec. 601. Amendment of 1950 Act.
 - Sec. 602. Outreach and communications programs.
 - Sec. 603. Clean Vessel Act funding.
 - Sec. 604. Boating infrastructure.
 - Sec. 605. Boat safety funds.

TITLE I—HIGHWAY SAFETY

SEC. 101. HIGHWAY SAFETY PROGRAMS.

(a) **UNIFORM GUIDELINES.**—Section 402(a) of title 23, United States Code, is amended by striking “section 4007” and inserting “section 4004”.

(b) **ADMINISTRATIVE REQUIREMENTS.**—Section 402(b) of such title is amended—

(1) by striking the period at the end of subparagraph (A) and subparagraph (B) of paragraph (1) and inserting a semicolon;

(2) by inserting “, including Indian tribes,” after “subdivisions of such State” in paragraph (1)(C);

(3) by striking the period at the end of paragraph (1)(C) and inserting a semicolon and “and”; and

(5) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(c) **APPORTIONMENT OF FUNDS.**—Section 402(c) of such title is amended by—

(1) by inserting “the apportionment to the Secretary of the Interior shall not be less than three-fourths of 1 percent of the total apportionment and” after “except that” in the sixth sentence; and

(2) by striking the seventh sentence.

(d) **APPLICATION IN INDIAN COUNTRY.**—Section 402(i) of such title is amended to read as follows:

“(i) **APPLICATION IN INDIAN COUNTRY.**—

“(1) **IN GENERAL.**—For the purpose of application of this section in Indian country, the terms ‘State’ and ‘Governor of a State’ include the Secretary of the Interior and the term ‘political subdivision of a State’ includes an Indian tribe. Notwithstanding the provisions of subparagraph (b)(1)(C) of this section, 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subparagraph (b)(1)(D) of this section shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

“(2) **INDIAN COUNTRY DEFINED.**—For the purposes of this subsection, the term ‘Indian country’ means—

“(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

“(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

“(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.”.

(e) RULEMAKING PROCESS.—Section 402(j) of such title is amended to read as follows:

“(j) RULEMAKING PROCESS.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.”

(f) SAFETY INCENTIVE GRANTS.—Section 402 of such title is amended by striking subsection (k) and inserting the following:

“(k)(1) SAFETY INCENTIVE GRANTS: GENERAL AUTHORITY.—The Secretary shall make a grant to a State that takes specific actions to advance highway safety under subsection (l) of this section. A State may qualify for more than one grant and shall receive a separate grant for each subsection for which it qualifies. Such grants may only be used by recipient States to implement and enforce, as appropriate, the programs for which the grants are awarded.

“(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (l) or (m) of this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for the specific actions for which a grant is provided at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this subsection.

“(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—Each grant under subsection (l) or (m) of this section shall be available for not more than 6 fiscal years beginning in the fiscal year after September 30, 1997, in which the State becomes eligible for the grant. The Federal share payable for any grant under subsection (l) or (m) shall not exceed—

“(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

“(B) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

“(C) in the fifth and sixth fiscal years in which the State receives the grant, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

“(l) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: BASIC GRANT ELIGIBILITY.—The Secretary shall make grants to those States that adopt and implement effective programs to reduce traffic safety problems resulting from persons driving under the influence of alcohol. A State shall become eligible for one or more of three basic grants under this subsection by adopting or demonstrating the following to the satisfaction of the Secretary:

“(1) BASIC GRANT A.—At least 7 of the following:

“(A) .08 BAC PER SE LAW.—A law that provides that any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

“(B) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

“(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

“(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

“(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

“(ii) the suspension and revocation referred to under clause (A)(i) of this subparagraph shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

“(C) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system shall include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

“(D) STOPPING MOTOR VEHICLES.—Either—

“(i) A statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol, or

“(ii) a statewide Special Traffic Enforcement Program for impaired driving that emphasizes publicity for the program.

“(E) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; and dedicated detention facilities.

“(F) GRADUATED LICENSING SYSTEM.—A three-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first 2 stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

“(G) DRIVERS WITH HIGH BAC'S.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

“(H) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hos-

pitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

“(I) TESTING FOR BAC.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers at fault in fatal accidents.

“(2) BASIC GRANT B.—Either of the following:

“(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

“(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as requested by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

“(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

“(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

“(ii) the suspension and revocation referred to under clause (A)(i) of this subparagraph shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or receives notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures; or

“(B) 0.08 BAC PER SE LAW.—A law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

“(3) BASIC GRANT C.—Both of the following:

“(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and

“(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of such calendar years.

“(4) BASIC GRANT AMOUNT.—The amount of each basic grant under this subsection for any fiscal year shall be up to 15 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

“(5) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES: SUPPLEMENTAL GRANTS.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in no more than 2 fiscal years of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402 of this title. The State may receive a separate supplemental grant for meeting each of the following criteria:

“(A) OPEN CONTAINER LAWS.—The State makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

“(i) as allowed in the passenger area, by a person (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

“(ii) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

“(B) MANDATORY BLOOD ALCOHOL CONCENTRATION TESTING PROGRAMS.—The State provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

“(C) VIDEO EQUIPMENT FOR DETECTION OF DRUNK DRIVERS.—The State provides for a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol and in prosecuting those persons, and to train personnel in the use of that equipment.

“(D) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—The State enacts and enforces a law providing that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated or driving under the influence of alcohol, and further provides for a minimum suspension of the person's driver's license for not less than 30 days.

“(E) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—The State provides for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

“(F) REDUCING DRIVING WITH A SUSPENDED LICENSE.—The State enacts and enforces a law to reduce driving with a suspended license. Such law, as determined by the Secretary, may require a ‘zebra’ stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

“(G) EFFECTIVE DWI TRACKING SYSTEM.—The State demonstrates an effective driving while intoxicated (DWI) tracking system. Such a system, as determined by the Secretary, may include data covering arrests, case prosecutions, court dispositions and sanctions, and provide for the linkage of such data and traffic records systems to appropriate jurisdictions and offices within the State.

“(H) ASSESSMENT OF PERSONS CONVICTED OF ABUSE OF CONTROLLED SUBSTANCES; ASSIGNMENT OF TREATMENT FOR ALL DWI/DUI OFFENDERS.—The State provides for assessment of individuals convicted of driving while intoxicated or driving under the influence of alcohol or controlled substances, and for the assignment of appropriate treatment.

“(I) USE OF PASSIVE ALCOHOL SENSORS.—The State provides for a program to acquire passive alcohol sensors to be used by police officers in detecting persons who operate motor vehicles while under the influence of alcohol, and to train police officers in the use of that equipment.

“(J) EFFECTIVE PENALTIES FOR PROVISION OR SALE OF ALCOHOL TO PERSONS UNDER 21.—The State enacts and enforces a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to any individual under 21 years of age. The Secretary shall determine what penalties are effective.

“(6) DEFINITIONS.—For the purpose of this subsection, the following definitions apply:

“(A) ‘Alcoholic beverage’ has the meaning such term has under section 158(c) of this title.

“(B) ‘Controlled substances’ has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

“(C) ‘Motor vehicle’ means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

“(D) ‘Open alcoholic beverage container’ means any bottle, can, or other receptacle—

“(i) which contains any amount of an alcoholic beverage; and

“(ii)(I) which is open or has a broken seal, or

“(II) the contents of which are partially removed.

“(m) STATE HIGHWAY SAFETY DATA IMPROVEMENTS.—The Secretary shall make a grant to a State that takes effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities within State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, and to link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data:

“(1) FIRST-YEAR GRANT ELIGIBILITY.—A State is eligible for a first-year grant under this subsection in a fiscal year if such State either:

“(A) Demonstrates, to the satisfaction of the Secretary, that it has—

“(i) established a Highway Safety Data and Traffic Records Coordinating Committee with a multi-disciplinary membership including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities) of highway safety and traffic records databases;

“(ii) completed within the preceding 5 years a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and

“(iii) initiated the development of a multi-year highway safety data and traffic records strategic plan to be approved by the Highway Safety Data and Traffic Records Coordinating Committee that identifies and prioritizes its highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

“(B) Provides, to the satisfaction of the Secretary—

“(i) certification that it has met the provisions outlined in clauses (A)(i) and (A)(ii) of subparagraph (A) of this paragraph;

“(ii) a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and

“(iii) certification that the Highway Safety Data and Traffic Records Coordinating Committee continues to operate and supports the multi-year plan described in clause (B)(ii) of this subparagraph.

“(2) FIRST-YEAR GRANT AMOUNT.—The amount of a first-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State eligible for such a grant under subparagraph (1)(A) of paragraph (A) of this subsection shall equal \$1,000,000, subject to the availability of appropriations, and for any State eligible for such a grant under subparagraph (1)(B) of this subsection shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section

402 of this title, except that no State shall receive less than \$250,000, subject to the availability of appropriations. The Secretary may award a grant of up to \$25,000 for one year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable that State to qualify for first-year funding to begin in the next fiscal year.

“(3) STATE HIGHWAY SAFETY DATA AND TRAFFIC RECORDS IMPROVEMENTS; SUCCEEDING-YEAR GRANTS.—A State shall be eligible for a grant in any fiscal year succeeding the first fiscal year in which the State receives a State highway safety data and traffic records grant if the State, to the satisfaction of the Secretary:

“(A) Submits or updates a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined;

“(B) Certifies that its Highway Safety Data and Traffic Records Coordinating Committee continues to support the multi-year plan; and

“(C) Reports annually on its progress in implementing the multi-year plan.

“(4) SUCCEEDING-YEAR GRANT AMOUNTS.—The amount of a succeeding-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State that is eligible for such a grant shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of this title, except that no State shall receive less than \$225,000, subject to the availability of appropriations.”

(g) OCCUPANT PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

“§410. Safety belts and occupant protection program

“The Secretary shall make basic grants to those States that adopt and implement effective programs to reduce highway deaths and injuries resulting from persons riding unrestrained or improperly restrained in motor vehicles. A State may establish its eligibility for one or both of the grants by adopting or demonstrating the following to the satisfaction of the Secretary:

“(1) BASIC GRANT A.—At least 4 of the following:

“(A) SAFETY BELT USE LAW FOR ALL FRONT SEAT OCCUPANTS.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body.

“(B) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of its safety belt use law.

“(C) CHILD PASSENGER PROTECTION LAW.—The State has in effect a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system.

“(D) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State demonstrates implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems. The states are to submit to the Secretary an evaluation or report on the effectiveness of the programs at least three years after receipt of the grant.

“(E) MINIMUM FINES.—The State requires a minimum fine of at least \$25 for violations of its safety belt use law and a minimum fine of at least \$25 for violations of its child passenger protection law.

“(F) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State demonstrates implementation of a statewide Special Traffic Enforcement Program for occupant protection that emphasizes publicity for the program.

“(2) BASIC GRANT B.—Both of the following:

“(A) STATE SAFETY BELT USE RATE.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the first 3 years a grant under this paragraph is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant under this paragraph is received.

“(B) SURVEY METHOD.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

“(3) BASIC GRANT AMOUNT.—The amount of each basic grant for which a State qualifies under this subsection for any fiscal year shall equal up to 20 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

“(4) OCCUPANT PROTECTION PROGRAM: SUPPLEMENTAL GRANTS.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in a fiscal year of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402 of this title. The State may receive a separate supplemental grant for meeting each of the following criteria:

“(A) PENALTY POINTS AGAINST A DRIVER'S LICENSE FOR VIOLATIONS OF CHILD PASSENGER PROTECTION REQUIREMENTS.—The State has in effect a law that requires the imposition of penalty points against a driver's license for violations of child passenger protection requirements.

“(B) ELIMINATION OF NON-MEDICAL EXEMPTIONS TO SAFETY BELT AND CHILD PASSENGER PROTECTION LAWS.—The State has in effect safety belt and child passenger protection laws that contain no nonmedical exemptions.

“(C) SAFETY BELT USE IN REAR SEATS.—The State has in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat.

“(5) DEFINITIONS.—As used in this subsection—

“(A) ‘child safety seat’ means any device except safety belts, designed for use in a motor vehicle to restrain, seat, or position children who weigh 50 pounds or less.

“(B) ‘Motor vehicle’ means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

“(C) ‘Multipurpose passenger vehicle’ means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

“(D) ‘Passenger car’ means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

“(E) ‘Passenger motor vehicle’ means a passenger car or a multipurpose passenger motor vehicle.

“(F) ‘Safety belt’ means—

“(i) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

“(ii) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.”.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 4 of that chapter is amended by striking the item relating to section 410 and inserting the following:

“410. Safety belts and occupant protection program”.

(h) DRUGGED DRIVER RESEARCH AND DEMONSTRATION PROGRAM.—Section 403(b) of title 23, United States Code, is amended—

(1) by inserting “(1)” before “In addition”;
(2) by striking “is authorized to” and inserting “shall”;

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(4) by inserting after subparagraph (B), as redesignated, the following:

“(C) Measures that may deter drugged driving.”.

SEC. 102. NATIONAL DRIVER REGISTER.

(a) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—Section 30302 is amended by adding at the end thereof the following:

“(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—(1) The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

“(2) Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's ‘Problem Driver Pointer System’ (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

“(3) The agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes they may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary (through the National Highway Traffic Safety Administration) shall continue to fund these transferred functions.

“(4) The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization for performing these functions in such fiscal year.

“(5) Nothing in this subsection shall be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.”.

(b) ACCESS TO REGISTER INFORMATION.—Section 30305(b) is amended by—

(1) by striking “request.” in paragraph (2) and inserting the following: “request, unless the information is about a revocation or suspension still in effect on the date of the request”;

(2) by inserting after paragraph (6) the following:

“(7) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or

agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in subsection 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in subsection 30304(b).

“(8) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.”.

(3) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10); and

(4) by striking “paragraph (2)” in paragraph (10), as redesignated, and inserting “subsection (a) of this section”.

SEC. 103. AUTHORIZATIONS OF APPROPRIATIONS.

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

(1) CONSOLIDATED STATE HIGHWAY SAFETY PROGRAMS.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsection (l) of that section—

- (i) \$117,858,000 for fiscal year 1998;
- (ii) \$123,492,000 for fiscal year 1999;
- (iii) \$126,877,000 for fiscal year 2000;
- (iv) \$130,355,000 for fiscal year 2001;
- (v) \$133,759,000 for fiscal year 2002; and
- (vi) \$141,803,000 for fiscal year 2003.

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of section 402(l) of title 23, United States Code, by the National Highway Traffic Safety Administration—

- (i) \$30,570,000 for fiscal year 1998;
- (ii) \$28,500,000 for fiscal year 1999;
- (iii) \$29,273,000 for fiscal year 2000;
- (iv) \$30,065,000 for fiscal year 2001;
- (v) \$38,743,000 for fiscal year 2002; and
- (vi) \$39,815,000 for fiscal year 2003.

Amounts made available to carry out subsection (l) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (l) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration—

- (i) \$13,950,000 for fiscal year 1998;
- (ii) \$14,618,000 for fiscal year 1999;
- (iii) \$15,012,000 for fiscal year 2000;
- (iv) \$15,418,000 for fiscal year 2001;
- (v) \$17,640,000 for fiscal year 2002; and
- (vi) \$17,706,000 for fiscal year 2003.

Amounts made available to carry out subsection (m) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (m) to subsections (l), (n), and (o) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(D) To carry out the State highway safety data improvements incentive grant provisions of subsection 402(n) of title 23, United States Code, by the National Highway Traffic Safety Administration—

- (i) \$8,370,000 for fiscal year 1998;
- (ii) \$8,770,000 for fiscal year 1999;
- (iii) \$9,007,000 for fiscal year 2000; and
- (iv) \$9,250,000 for fiscal year 2001. Amounts made available to carry out subsection (n) are authorized to remain available until expended.

(E) To carry out the drugged driving research and demonstration programs of section 403(b)(1) of title 23, United States Code, by the National Highway Traffic Safety Administration, \$2,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

Amounts made available to carry out subsection (o) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (o) to subsections (l), (m), and (n) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(2) SECTION 403 HIGHWAY SAFETY AND RESEARCH.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for highway safety under section 403 of title 23, United States Code, there are authorized to be appropriated \$60,100,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and \$61,700,000 for fiscal year 2003.

(3) PUBLIC EDUCATION EFFORT.—Out of funds made available for carrying out programs under section 403 of title 23, United States Code, for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, the Secretary of Transportation shall obligate at least \$500,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

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

- (i) \$1,605,000 for fiscal year 1998;
- (ii) \$1,680,000 for fiscal year 1999;
- (iii) \$1,726,000 for fiscal year 2000;
- (iv) \$1,772,000 for fiscal year 2001;
- (v) \$1,817,000 for fiscal year 2002; and
- (vi) \$1,872,000 for fiscal year 2003.

SEC. 104. AIRBAGS.

(a) RULEMAKING PROCEDURE REQUIRED FOR DEPLOYMENT THRESHOLD DETERMINATION.—Before establishing a threshold for the deployment on impact of a passive passenger restraint system in passenger motor vehicles under any provision of law, the Secretary shall provide notice and an opportunity for public comment.

(b) DEPARTMENT OF TRANSPORTATION TO DETERMINE ELIGIBILITY FOR ON/OFF SWITCH.—If the Secretary of Transportation, under any provision of law, permits the employment of a device or switch to activate or deactivate a passive passenger restraint system installed in passenger motor vehicles and establishes criteria for the determination of what individuals or classes of individuals are eligible to use that device or switch, then that determination shall be made by the Secretary.

SEC. 105. PROTECTION OF CHILDREN FROM AIR-BAG HARM.

(a) SUSPENSION OF UNBELTED BARRIER TESTING.—The provision in Federal Motor Vehicle Safety Standard No. 208 set forth at section 571.208 of the Department of Transportation Regulations (49 C.F.R. 571.208) requiring air bag-equipped vehicles to be

crashed into a barrier using unbelted 50th percentile adult male dummies is hereby suspended.

(b) RULEMAKING TO PROTECT CHILDREN.—

(1) IN GENERAL.—Not later than June 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to amend and improve the occupant protection provided by Federal Motor Vehicle Safety Standard No. 208. The notice shall propose that air bags provide protection to individuals according to the following priorities:

(A) FIRST PRIORITY.—To minimize the risk of harm to children from air bags.

(B) SECOND PRIORITY.—To improve protection for belted occupants.

(C) THIRD PRIORITY.—To protect unbelted occupants to the extent reasonable and practicable, consistent with minimizing the risk to children.

(2) METHODS TO ENSURE PROTECTION.—Notwithstanding subsection (a), the notice required by paragraph (a) may include such static and dynamic tests as the Secretary determines to be reasonable, practicable, and appropriate to ensure the safety of children, especially those who are unbelted and out of position, as well as the safety of other vehicle occupants, consistent with the priorities set forth in paragraph (1).

(3) FINAL RULE.—The Secretary shall complete the rulemaking required by this subsection by issuing, not later than June 1, 1999, a final rule consistent with paragraphs (1) and (2) of this subsection. The Secretary may extend the period for issuing the final rule for not more than 6 months. If the Secretary extends that period, then the Secretary shall state the reasons for the extension in the notice of extension.

TITLE II—HAZARDOUS MATERIALS TRANSPORTATION REAUTHORIZATION

SEC. 201. FINDINGS AND PURPOSES; DEFINITIONS.

(a) FINDINGS AND PURPOSES.—Section 5101 is amended to read as follows:

“§ 5101. Findings and purposes

“(a) FINDINGS.—The Congress finds with respect to hazardous materials transportation that—

“(1) approximately 4 billion tons of regulated hazardous materials are transported each year and that approximately 500,000 movements of hazardous materials occur each day, according to the Department of Transportation estimates;

“(2) accidents involving the release of hazardous materials are a serious threat to public health and safety;

“(3) many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers that attempt to comply with multiple and conflicting registration, permitting, routings, notification, loading, unloading, incidental storage, and other regulatory requirements;

“(4) because of the potential risks to life, property and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials, including loading, unloading, and incidental storage, is necessary and desirable;

“(5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable;

“(6) in order to provide reasonable, adequate, and cost-effective protection from the risks posed by the transportation of hazardous materials, a network of adequately

trained State and local emergency response personnel is required;

“(7) the movement of hazardous materials in commerce is necessary and desirable to maintain economic vitality and meet consumer demands, and shall be conducted in a safe and efficient manner;

“(8) primary authority for the regulation of such transportation should be consolidated in the Department of Transportation to ensure the safe and efficient movement of hazardous materials in commerce; and

“(9) emergency response personnel have a continuing need for training on responses to releases of hazardous materials in transportation and small businesses have a continuing need for training on compliance with hazardous materials regulations.

“(b) PURPOSES.—The purposes of this chapter are—

“(1) to ensure the safe and efficient transportation of hazardous materials in intrastate, interstate, and foreign commerce, including the loading, unloading, and incidental storage of hazardous material;

“(2) to provide the Secretary with preemption authority to achieve uniform regulation of hazardous material transportation, to eliminate inconsistent rules that apply differently from Federal rules, to ensure efficient movement of hazardous materials in commerce, and to promote the national health, welfare, and safety; and

“(3) to provide adequate training for public sector emergency response teams to ensure safe responses to hazardous material transportation accidents and incidents.”.

(b) DEFINITIONS.—Section 5102 is amended by—

(1) striking paragraph (1) and inserting the following:

“(1) ‘commerce’ means trade or transportation in the jurisdiction of the United States—

“(A) between a place in a State and a place outside of the State;

“(B) that affects trade or transportation between a place in a State and a place outside of the State; or

“(C) on a United States-registered aircraft.”;

(2) by striking paragraphs (3) and (4) and inserting the following:

“(3) ‘hazmat employee’ means an individual who—

“(A) is—

“(i) employed by a hazmat employer,

“(ii) self-employed, or

“(iii) an owner-operator of a motor vehicle; and

“(B) during the course of employment—

“(i) loads, unloads, or handles hazardous material;

“(ii) manufactures, reconditions, or tests containers, drums, or other packagings represented as qualified for use in transporting hazardous material;

“(iii) performs any function pertaining to the offering of hazardous material for transportation;

“(iv) is responsible for the safety of transporting hazardous material; or

“(v) operates a vehicle used to transport hazardous material.

“(4) ‘hazmat employer’ means a person who—

“(A) either—

“(i) is self-employed,

“(ii) is an owner-operator of a motor vehicle; and

“(iii) has at least one employee; and

“(B) performs a function, or uses at least one employee, in connection with—

“(i) transporting hazardous material in commerce;

“(ii) causing hazardous material to be transported in commerce, or

“(iii) manufacturing, reconditioning, or testing containers, drums, or other

packagings represented as qualified for use in transporting hazardous material.”;

(3) by striking “title.” in paragraph (7) and inserting “title, except that a freight forwarder is included only in performing a function related to highway transportation”;

(4) by redesignating paragraphs (9) through (13) as paragraphs (12) through (16);

(5) by inserting after paragraph (8) the following:

“(9) ‘out-of-service order’ means a mandate that an aircraft, vessel, motor vehicle, train, other vehicle, or a part of any of these, not be moved until specified conditions have been met.

“(10) ‘package’ or ‘outside package’ means a packaging plus its contents.

“(11) ‘packaging’ means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packaging requirements established by the Secretary of Transportation.”; and

(6) by striking “or transporting hazardous material to further a commercial enterprise;” in paragraph 12(A), as redesignated by paragraph (4) of this subsection, and inserting a comma and “transporting hazardous material to further a commercial enterprise, or manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material”.

(C) CLERICAL AMENDMENT.—The chapter analysis of chapter 51 is amended by striking the item relating to section 5101 and inserting the following:

“5101. Findings and purposes”.

SEC. 202. HANDLING CRITERIA REPEAL.

Section 5106 is repealed and the chapter analysis of chapter 51 is amended by striking the item relating to that section

SEC. 203. HAZMAT EMPLOYEE TRAINING REQUIREMENTS.

Section 5107(f)(2) is amended by striking “and sections 5106, 5108(a)–(g)(1) and (h), and”.

SEC. 204. REGISTRATION.

Section 5108 is amended by

(1) by striking subsection (b)(1)(C) and inserting the following:

“(C) each State in which the person carries out any of the activities.”;

(2) by striking subsection (c) and inserting the following:

“(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement annually in accordance with regulations issued by the Secretary.”;

(3) by striking “552(f)” in subsection (f) and inserting “552(b)”;

(4) by striking “may” in subsection (g)(1) and inserting “shall”; and

(5) by inserting “or an Indian tribe,” in subsection (1)(2)(B) after “State.”.

SEC. 205. SHIPPING PAPER RETENTION.

Section 5110(e) is amended by striking the first sentence and inserting “After expiration of the requirement in subsection (c) of this section, the person who provided the shipping paper and the carrier required to maintain it under subsection (a) of this section shall retain the paper or an electronic image thereof, for a period of 1 year after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business.”.

SEC. 206. UNSATISFACTORY SAFETY RATING.

Section 5113(d) is amended by striking “Secretary, in consultation with the Interstate Commerce Commission,” and inserting “Secretary”.

SEC. 207. PUBLIC SECTOR TRAINING CURRICULUM.

Section 5115 is amended by—

(1) by striking “DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in” in subsection (a) and inserting “UPDATING.—In”;

(2) by striking “develop and” in the first sentence of subsection (a);

(3) by striking the second sentence of subsection (a);

(4) by striking “developed” in the first sentence of subsection (b);

(5) by inserting “or involving an alternative fuel vehicle” after “material” in subparagraphs (A) and (B) of subsection (b)(1); and

(6) by striking subsection (d) and inserting the following:

“(d) DISTRIBUTION AND PUBLICATION.—With the national response team, the Secretary of Transportation may publish a list of programs that use a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous materials.”.

SEC. 208. PLANNING AND TRAINING GRANTS.

Section 5116 is amended by—

(1) by striking “of” in the second sentence of subsection (e) and inserting “received by”;

(2) by striking subsection (f) and inserting the following:

“(f) MONITORING AND TECHNICAL ASSISTANCE.—The Secretary of Transportation shall monitor public sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretary shall provide technical assistance to a State, political subdivision of a State and Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the National Response Team for Oil and Hazardous Substances and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee.”; and

(3) by adding at the end thereof the following:

“(1) SMALL BUSINESSES.—The Secretary may authorize a State or Indian tribe receiving a grant under this section to use up to 25 percent of the amount of the grant to assist small businesses in complying with regulations issued under this chapter.”.

SEC. 209. SPECIAL PERMITS AND EXCLUSIONS.

(a) Section 5117 is amended by—

(1) by striking the section caption and inserting the following:

“§ 5117. Special permits and exclusions”;

(2) by striking “exemption” each place it appears and inserting “special permit”;

(3) by inserting “authorizing variances” after “special permit” the first place it appears; and

(4) by striking “2” and inserting “4” in subsection (a)(2).

(b) Section 5119(c) is amended by adding at the end thereof the following:

“(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).”

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

“5117. Special permits and exclusions”.

SEC. 210. ADMINISTRATION.

(a) Section 5121 is amended by striking subsections (a), (b), and (c) and redesignating subsections (d) and (e) as subsections (a) and (b).

(b) Section 5122 is amended by redesignating subsections (a), (b), and (c) as subsections (d), (e), and (f), and by inserting be-

fore subsection (d), as redesignated, the following:

“(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may investigate, make reports, issue subpoenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. After notice and an opportunity for a hearing, the Secretary may issue an order requiring compliance with this chapter or a regulation prescribed under this chapter.

“(b) RECORDS, REPORTS, AND INFORMATION.—A person subject to this chapter shall—

“(1) maintain records, make reports, and provide information the Secretary by regulation or order requires; and

“(2) make the records, reports, and information available when the Secretary requests.

“(c) INSPECTION.—

“(1) The Secretary may authorize an officer, employee, or agent to inspect, at a reasonable time and in a reasonable way, records and property related to—

“(A) manufacturing, fabricating, marking, maintaining, reconditioning, repairing, testing, or distributing a packaging or a container for use by a person in transporting hazardous material in commerce; or

“(B) the transportation of hazardous material in commerce.

“(2) An officer, employee, or agent under this subsection shall display proper credentials when requested.”.

SEC. 211. COOPERATIVE AGREEMENTS.

Section 5121, as amended by section 310(a), is further amended by adding at the end thereof the following:

“(c) AUTHORITY FOR COOPERATIVE AGREEMENTS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the State Department), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include the conduct of research, development, demonstration, risk assessment, emergency response planning and training activities.”.

SEC. 212. ENFORCEMENT.

Section 5122, as amended by section 310(b), is further amended by—

(1) by inserting “inspect,” after “may” in the first sentence of subsection (a);

(2) by striking the last sentence of subsection (a) and inserting: “Except as provided in subsection (e) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order requiring compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter.”;

(2) by redesignating subsections (d), (e) and (f) as subsections (f), (g) and (h), and inserting after subsection (c) the following:

“(d) OTHER AUTHORITY.—

“(1) INSPECTION.—During inspections and investigations, officers, employees, or agents of the Secretary may—

“(A) open and examine the contents of a package offered for, or in, transportation when—

“(i) the package is marked, labeled, certified, placarded, or otherwise represented as containing a hazardous material, or

“(ii) there is an objectively reasonable and articulable belief that the package may contain a hazardous material;

“(B) take a sample, sufficient for analysis, of material marked or represented as a hazardous material or for which there is an objectively reasonable and articulable belief that the material may be a hazardous material, and analyze that material;

“(C) when there is an objectively reasonable and articulable belief that an imminent hazard may exist, prevent the further transportation of the material until the hazardous qualities of that material have been determined; and

“(D) when safety might otherwise be compromised, authorize properly qualified personnel to conduct the examination, sampling, or analysis of a material.

“(2) NOTIFICATION.—No package opened pursuant to this subsection shall continue its transportation until the officer, employee, or agent of the Secretary—

“(A) affixes a label to the package indicating that the package was inspected pursuant to this subsection; and

“(B) notifies the shipper that the package was opened for examination.

“(e) EMERGENCY ORDERS.—

“(1) If, through testing, inspection, investigation, or research carried out under this chapter, the Secretary decides that an unsafe condition or practice, or a combination of them, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary may immediately issue or impose restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, that may be necessary to abate the situation.

“(2) The Secretary's action under this subsection must be in a written order describing the condition or practice, or combination of them, that causes the emergency situation; stating the restrictions, prohibitions, recalls, or out-of-service orders being issued or imposed; and prescribing standards and procedures for obtaining relief from the order.

“(3) After taking action under this subsection, the Secretary shall provide an opportunity for review of that action under section 554 of title 5.

“(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the action will cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.”

SEC. 213. PENALTIES.

“(a) Section 5123(a)(1) is amended by striking the first sentence and inserting the following: “A person that knowingly violates this chapter or a regulation, order, special permit, or approval issued under this chapter is liable to the United States Government for a civil penalty of at least \$250 but not more than \$27,500 for each violation.”

“(b) Section 5123(c)(2) is amended to read as follows:

“(2) with respect to the violator, the degree of culpability, any good-faith efforts to comply with the applicable requirements, any history of prior violations, any economic benefit resulting from the violation, the ability to pay, and any effect on the ability to continue to do business; and”.

(c) Section 5124 is amended to read as follows:

“§ 5124. Criminal penalty

“(a) IN GENERAL.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years, or both.

“(b) AGGRAVATED VIOLATIONS.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, and thereby causing the release of a hazardous material, shall be fined under title 18, imprisoned for not more than 20 years, or both.”.

SEC. 214. PREEMPTION.

(a) REQUIREMENTS CONTRARY TO PURPOSES OF CHAPTER.—Section 5125(a)(2) is amended

by inserting a comma and “the purposes of this chapter,” after “this chapter” the first place it appears.

(b) DEADWOOD.—Section 5125(b)(2) is amended by striking “prescribes after November 16, 1990.” and inserting “prescribes.”.

(c) INDEPENDENT APPLICATION OF PREEMPTION STANDARDS.—Section 5125 is amended by adding at the end thereof the following:

“(h) INDEPENDENT APPLICATION OF EACH STANDARD.—Each preemption standard in subsections (a), (b)(1), (c), and (g) of this section and section 5119(c)(2) is independent in its application to a requirement of any State, political subdivision of a State, or Indian tribe.”.

SEC. 215. JUDICIAL REVIEW.

(a) Chapter 51 is amended by redesignating section 5127 as section 5128, and by inserting after section 5126 the following new section:

“§ 5127. Judicial review

“(a) FILING AND VENUE.—Except as provided in section 20114(c) of this title, a person disclosing a substantial interest in a final order issued, under the authority of section 5122 or 5123 of this title, by the Secretary of Transportation, the Administrators of the Research and Special Programs Administration, the Federal Aviation Administration, or the Federal Highway Administration, or the Commandant of the United States Coast Guard (‘modal Administrator’), with respect to the duties and powers designated to be carried out by the Secretary under this chapter, may apply for review in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

“(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary or the modal Administrator, as appropriate. The Secretary or the modal Administrator shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

“(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary or the modal Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or the modal Administrator to conduct further proceedings. After reasonable notice to the Secretary or the modal Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or the modal Administrator, if supported by substantial evidence, are conclusive.

“(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final order under this section, the court may consider an objection to a final order of the Secretary or the modal Administrator only if the objection was made in the course of a proceeding or review conducted by the Secretary, the modal Administrator, or an administrative law judge, or if there was a reasonable ground for not making the objection in the proceeding.

“(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.”.

(b) The chapter analysis for chapter 51 is amended by striking the item related to section 5127 and inserting the following:

“5127. Judicial review.”.

“5128. Authorization of appropriations.”.

SEC. 216. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 215 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

“§ 5128. High risk hazardous material; motor carrier safety study

“(a) STUDY.—The Secretary of Transportation shall conduct a study—

“(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material carriers;

“(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material carriers and shippers;

“(3) to examine the safety benefits of increased monitoring of high risk hazardous material carriers, and the costs, benefits, and procedures of existing State permit programs;

“(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

“(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material carriers' compliance with motor carrier safety regulations.

“(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1997 and complete it within 30 months.

“(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of that Act.”.

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking “not later than November 16, 1991.” and inserting “based upon the findings of the study required by section 5128(a).”.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 315, is amended by striking the item relating to section 5128 and inserting the following:

“5128. High risk hazardous material; motor carrier safety study

“5129. Authorization of appropriations”.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

Section 5129, as redesignated, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) GENERAL.—There are authorized to be appropriated to the Secretary of Transportation to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, and 5116) not more than—

“(1) \$15,492,000 for fiscal year 1998;

“(2) \$16,000,000 for fiscal year 1999;

“(3) \$16,500,000 for fiscal year 2000;

“(4) \$17,000,000 for fiscal year 2001;

“(5) \$17,500,000 for fiscal year 2002; and

“(6) \$18,000,000 for fiscal year 2003.”; and

(2) by striking subsections (c) and (d) and inserting the following:

“(c) TRAINING CURRICULUM.—Not more than \$200,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for each of the fiscal years ending September 30, 1999–2003, to carry out section 5115 of this title.

“(d) PLANNING AND TRAINING.—

“(1) Not more than \$2,444,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(a) of this title.

“(2) Not more than \$3,666,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(b) of this title.

“(3) Not more than \$600,000 is available to the Secretary of Transportation from the account established under section 5116(i) of this title for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(f) of this title.”.

TITLE III—COMPREHENSIVE ONE-CALL NOTIFICATION

SEC. 301. FINDINGS.

The Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification systems that operate under such programs.

SEC. 302. ESTABLISHMENT OF ONE-CALL NOTIFICATION PROGRAMS.

(a) IN GENERAL.—Subtitle III is amended by adding at the end thereof the following:

“CHAPTER 61. ONE-CALL NOTIFICATION PROGRAMS

“Sec.

“6101. Purposes.

“6102. Definitions.

“6103. Minimum standards for State one-call notification programs

“6104. Compliance with minimum standards

“6105. Review of one-call system best practices

“6106. Grants to States

“6107. Authorization of appropriations

“§6101. Purposes.

“The purposes of this chapter are—

“(1) to enhance public safety;

“(2) to protect the environment;

“(3) to minimize risks to excavators; and

“(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

“§6102. Definitions.

“For purposes of this chapter—

“(1) ONE-CALL NOTIFICATION SYSTEM.—The term “one-call notification system” means a system operated by an organization that has as one of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities on order to prevent damage to underground facilities in the course of such excavation.

“(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term “State one-call notification program” means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

“(3) STATE.—The term ‘State’ means a State, the District of Columbia, and Puerto Rico.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“§6103. Minimum standards for State one-call notification programs

(a) MINIMUM STANDARDS.—A State one-call notification program shall, at a minimum, provide for—

(1) appropriate participation by all underground facility operators;

(2) appropriate participation by all excavators; and

“(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

“(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with—

“(1) damage to types of underground facilities; and

“(2) activities of types of excavators.

“(c) IMPLEMENTATION.—A State one-call notification program also shall, at a minimum, provide for—

“(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

“(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

“(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a *de minimis* risk to public safety or the environment.

“(d) PENALTIES.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for—

“(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

“(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system;

“(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

“(4) equitable relief; and

“(5) citation of violations.

“§6104. Compliance with minimum standards

“(a) REQUIREMENT.—In order to qualify for a grant under section 6106, each State shall, within 2 years after the date of the enactment of the Intermodal Transportation Safety Act of 1997, submit to the Secretary a grant application under subsection (b).

“(b) APPLICATION.—

“(1) Upon application by a State, the Secretary shall review that State’s one-call notification program, including the provisions

for implementation of the program and the record of compliance and enforcement under the program.

“(2) Based on the review under paragraph (1), the Secretary shall determine whether the State’s one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

“(3) In order to expedite compliance under this section, the Secretary may consult with the State as to whether an existing State one-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

“(4) The Secretary shall prescribe the form of, and manner of filing, an application under this section that shall provide sufficient information about a State’s one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

“(5) The application of a State under paragraph (1) and the record of actions of the Secretary under this section shall be available to the public.

“(c) ALTERNATIVE PROGRAM.—A State may maintain an alternative one-call notification program if that program provides protection for public safety, the environment, or excavators that is equivalent to, or greater than, protection under a program that meets the minimum standards set forth in section 6103.

“(d) REPORT.—Within 3 years after the date of the enactment of the Intermodal Transportation Safety Act of 1997, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

“(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

“(2) an analysis by the Secretary of the overall effectiveness of the State’s one-call notification program and the one-call notification systems operating under such program in achieving the purposes of this chapter;

“(3) the impact of the State’s decisions on the extent of required participation in one-call notification systems on prevention of damage to underground facilities; and

“(4) areas where improvements are needed in one-call notification systems in operation in the State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

“§6105. Review of one-call system best practices

“(a) STUDY OF EXISTING ONE-CALL SYSTEMS.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators, and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

“(b) PURPOSE OF STUDY OF DAMAGE PREVENTION PRACTICES.—The purpose of the study is to assemble information in order to determine which existing one-call notification systems practices appear to be the most effective in preventing damage to underground facilities and in protecting the public, the environment, excavators, and public

service disruption. As part of the study, the Secretary shall at a minimum consider—

“(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

“(2) the methods by which one-call notification systems promote awareness of their programs, including use of public service announcements and educational materials and programs;

“(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

“(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

“(5) the effectiveness and accuracy of mapping used by one-call notification systems;

“(6) the relationship between one-call notification systems and preventing intentional damage to underground facilities;

* * * * *

sections 31137 and 31138) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person, who—

“(I) does not make that report;

“(II) does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered or;

“(III) does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed \$500 for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed \$5,000.

“(ii) Any such person, or an officer, agent, or employee of that person, who—

“(I) knowingly falsifies, destroys, mutilates, or changes a required report or record;

“(II) knowingly files a false report with the Secretary;

“(III) knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction; or

“(IV) knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed \$5,000 for each violation, provided that any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.”.

SEC. 414. INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Chapter 317 is amended—

(1) by striking sections 31702, 31703, and 31708; and

(2) by striking the item relating to sections 31702, 31703, and 31708 in the chapter a analysis for that chapter.

SEC. 415. STUDY OF ADEQUACY OF PARKING FACILITIES.

The Secretary shall conduct studies to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest area that could be used by motor carriers to comply with Federal hours-of-service rules. Each study shall include an inventory of current facilities serving corridors of the National Highway System, analyze where specific shortages exist or are projected to exist, and propose a specific plan to reduce the shortages.

The studies may be carried out in cooperation with research entities representing the motor carrier and travel plaza industry. The studies shall be recompleted no later than 36 months after enactment of this Act.

SEC. 416. NATIONAL MINIMUM DRINKING AGE—TECHNICAL CORRECTIONS

Section 158 of title 23, United States Code, is amended—

(1) by striking “104(b)(2), 104(b)(5), and 104(b)(6)” each place it appears in subsection (a) and inserting “104(b)(3), and 104(b)(5)(B)”;

(2) by striking subsection (b) and inserting the following:

“(b) AVAILABILITY OF WITHHELD FUNDS.—No funds withheld under this section from apportionment to any State after September 31, 1988, shall be available for apportionment to such State.”.

SEC. 3417. APPLICATION OF REGULATIONS.

(a) APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES.—Section 31135 as redesignated, is amended by adding at the end thereof the following:

“(g) APPLICATION TO CERTAIN VEHICLES.—Effective 12 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, regulations prescribed under this section shall apply to operators of commercial motor vehicles described in section 31132(1)(B) to the extent that those regulations did not apply to those operators before the day that is 12 months after such date of enactment, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operations of commercial motor vehicles from the application of those regulations.”.

(b) DEFINITION.—Section 31301(4)(B) is amended to read as follows:

“(B) is designed or used to transport—

“(i) passengers for compensation, but does not include a vehicle providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places; or

“(ii) more than 15 passengers, including the driver, and not used to transport passengers for compensation; or”.

(c) APPLICATION OF REGULATIONS TO CERTAIN OPERATORS.—

(1) Chapter 313 is amended by adding at the end thereof the following:

“§ 31318. Application of regulations to certain operators

“Effective 12 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, regulations prescribed under this chapter shall apply to operators of commercial motor vehicles described in section 31301(4)(B) to the extent that those regulations did not apply to those operators before the day that is 1 year after such date of enactment, except to the extent that the Secretary determines, after notice and opportunity for public comment, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.”.

(d) DEADLINE FOR CERTAIN DEFINITIONAL REGULATIONS.—The Secretary shall issue regulations implementing the definition of commercial motor vehicles under section 31132(1)(B) and section 31301(4)(B) of title 49, United States Code, as amended by this Act within 12 months after the date of enactment of this Act.

SEC. 418. AUTHORITY OVER CHARTER BUS TRANSPORTATION.

Section 14501(a) is amended—

(1) by striking “route or relating” and inserting “route”; and

(2) by striking “required.” and inserting “required; or to the authority to provide

intrastate or interstate charter bus transportation.”.

SEC. 419. FEDERAL MOTOR CARRIER SAFETY INVESTIGATIONS.

The Department of Transportation shall maintain the level of Federal motor carrier safety investigators for border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure an equivalent level of commercial motor vehicle safety inspections. Such funds as are necessary to carry out this section shall be made available within the limitation on general operating expenses of the Department of Transportation.

SEC. 420. FOREIGN MOTOR CARRIER SAFETY FITNESS.

(a) IN GENERAL.—No later than 90 days after enactment of this Act, the Secretary of Transportation shall make a determination regarding the willingness and ability of any foreign motor carrier, the application for which has not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States, to meet the safety fitness and other regulatory requirements under this title.

(b) REPORT.—Within 120 days after the date of enactment this Act, the Secretary of Transportation shall submit a report to the Senate Commerce, Science, and Transportation Committee and the House Transportation and Infrastructure Committee on the application of section 13902(c)(9) of title 49, United States Code. The report shall include—

(1) any findings made by the Secretary under subsection (a);

(2) information on which carriers have applied to the Department of Transportation under the section; and

(3) a description of the process utilized to respond to such applications and to certify the safety fitness of those carriers.

SEC. 421. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation may establish a Commercial Motor Vehicle Safety Advisory Committee to provide advice and recommendations on a range of regulatory issues. The members of the advisory committee shall be appointed by the Secretary from among individuals affected by rulemakings under consideration by the Department of Transportation.

(b) FUNCTION.—The Advisory Committee established under subsection (a) shall provide advice to the Secretary on commercial motor vehicle safety regulations and assist the Secretary in timely completion of ongoing rulemakings by utilizing negotiated rulemaking procedures.

SEC. 422. WAIVERS; EXEMPTIONS; PILOT PROGRAMS.

(a) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS FOR CHAPTER 311.—Section 31136(e) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6); and

(2) by striking the subsection caption and paragraph (1) and inserting the following:

“(e) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.—

“(1) IN GENERAL.—The Secretary shall, by regulation promulgated after notice and an opportunity for public comment and within 180 days after the date of enactment of the Intermodal Transportation Safety Act of 1997, establish procedures by which waivers, exemptions, and pilot programs under this section may be initiated. The regulation shall provide—

“(A) a process for the issuance of waivers or exemptions from any part of a regulation prescribed under this section; and

“(B) procedures for the conduct of pilot projects or demonstration programs to support the appropriateness of regulations, enforcement policies, waivers, or exemptions under this section.

“(2) **WAIVERS.**—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this section if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the waiver—

“(A) for a period not in excess of 3 months;

“(B) limited in scope and circumstances;

“(C) for non-emergency and unique events; and

“(D) subject to such conditions as the Secretary may impose.

“(3) **EXEMPTIONS.**—The Secretary may grant an exemption in whole or in part from a regulation issued under this section to a class of persons, vehicles, or circumstances if the Secretary determines, after notice and opportunity for public comment, that it is in the public interest to grant the exemption and that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the exemption. An exemption granted under this paragraph shall be in effect for a period of not more than 2 years, but may be renewed by the Secretary after notice and opportunity for public comment if the Secretary determines, based on the safety impact and results of the first 2 years of an exemption, that the extension is in the public interest and that the extension of the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the extension.

“(4) **PILOT PROGRAMS.**—

“(A) **IN GENERAL.**—In carrying out this section, the Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this title.

“(B) **REQUIREMENT FOR APPROVAL.**—In carrying out a pilot project under this paragraph, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this title.

“(C) **EXEMPTIONS.**—A pilot project under this paragraph—

“(i) may exempt a motor carrier under the project from any requirement (or portion thereof) imposed under this title; and

“(ii) shall preempt any State or local regulation that conflicts with the pilot project during the time the pilot project is in effect.

“(D) **REVOCATION OF EXEMPTION.**—The Secretary shall revoke an exemption granted under subparagraph (C) if—

“(i) the motor carrier to which it applies fails to comply with the terms and conditions of the exemption; or

“(ii) the Secretary determines that the exemption has resulted in a lower level of safety than was maintained before the exemption was granted.”.

(b) **WAIVERS EXEMPTIONS, AND PILOT PROGRAMS FOR CHAPTER 313.**—Section 31315 is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “After notice”; and

(2) by adding at the end thereof the following: “(b) **WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.**—

“(1) **IN GENERAL.**—The Secretary shall, by regulation promulgated after notice and an

opportunity for public comment and within 180 days after the date of enactment of the Intermodal Transportation Safety Act of 1997, establish procedures by which waivers, exemptions, and pilot programs under this section may be initiated. The regulation shall provide—

“(A) a process for the issuance of waivers or exemptions from any part of a regulation prescribed under this section; and

“(B) procedures for the conduct of pilot projects or demonstration programs to support the appropriateness of regulations, enforcement policies, or exemption under this section.

“(2) **WAIVERS.**—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this section if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the waiver—

“(A) for a period not in excess of 3 months;

“(B) limited in scope and circumstances;

“(C) for non-emergency and unique events; and

“(D) subject to such conditions as the Secretary may impose.

“(3) **EXEMPTIONS.**—The Secretary may grant an exemption in whole or in part from a regulation issued under this section to a class of persons, vehicles, or circumstances if the Secretary determines, after notice and opportunity for public comment, that it is in the public interest to grant the exemption and that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the exemption. An exemption granted under this paragraph shall be in effect for a period of not more than 2 years, but may be renewed by the Secretary after notice and opportunity for public comment if the Secretary determines, based on the safety impact and results of the first 2 years of an exemption, that the extension is in the public interest and that the extension of the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would obtain in the absence of the extension.

“(4) **PILOT PROGRAMS.**—

“(A) **IN GENERAL.**—In carrying out this section, the Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this title.

“(B) **REQUIREMENT FOR APPROVAL.**—In carrying out a pilot project under this paragraph, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this title.

“(C) **EXEMPTIONS.**—A pilot project under this paragraph—

“(i) may exempt a motor carrier under the project from any requirement (or portion thereof) imposed under this title; and

“(ii) shall preempt any State or local regulation that conflicts with the pilot project during the time the pilot project is in effect.

“(D) **REVOCATION OF EXEMPTION.**—The Secretary shall revoke an exemption granted under subparagraph (C) if—

“(i) the motor carrier to which it applies fails to comply with the terms and conditions of the exemption; or

“(ii) The Secretary determines that the exemption has resulted in a lower level of safety than was maintained before the exemption was granted.”.

SEC. 423. COMMERCIAL MOTOR VEHICLE SAFETY STUDIES.

(a) **IN GENERAL.**—The Secretary of Transportation shall conduct a study of the impact of safety and infrastructure of tandem axle commercial motor vehicle operations in States that permit the operation of such vehicles in excess of the weight limits established by section 127 of title 23, United States Code.

(b) **COOPERATIVE AGREEMENTS WITH STATES.**—The Secretary shall enter into cooperative agreements with States described in subsection (a) under which the States participate in the collection of weight-in-motion data necessary to achieve the purpose of the study. If the Secretary determines that additional weight-in-motion sites, on or off the Dwight D. Eisenhower System of Interstate and Defense Highways, are necessary to carry out the study, and requests assistance from the States in choosing appropriate locations, the States shall identify the industries or transportation companies operating within their borders that regularly utilize the 35,000 pound tandem axle.

“(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Congress a report on the results of the study, together with any related legislative or administrative recommendations. Until the Secretary transmits the report to the Congress, the Secretary may not withhold funds under section 104 of title 23, United States Code, from any State for violation of the grandfathered tandem axle weight limits under section 127 of that title.

SEC. 424. INCREASED MCSAP PARTICIPATION IMPACT STUDY.

(a) **IN GENERAL.**—If a State that did not receive its full allocation of funding under the Motor Carrier Safety Assistance Program during fiscal years 1996 and 1997 agrees to enter into a cooperative agreement with the Secretary to evaluate the safety impact, costs, and benefits of allowing such State to continue to participate fully in the Motor Carrier Safety Assistance Program, then the Secretary of Transportation shall allocate to that State the full amount of funds to which it would otherwise be entitled for fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. The Secretary may not add conditions to the cooperative agreement other than those directly relating to the accurate and timely collection of inspection and crash data sufficient to ascertain the safety and effectiveness of such State's program.

(b) **REQUIREMENTS.**—

(1) **REPORT.**—The State shall submit to the Secretary each year the results of such safety evaluations.

(2) **TERMINATION BY SECRETARY.**—If the Secretary finds such an agreement not in the public interest based on the results of such evaluations after 2 years of full participation, the Secretary may terminate the agreement entered into under this section.

(c) **PROHIBITION OF ADOPTION OF LESSER STANDARDS.**—No State may enact or implement motor carrier safety regulations that are determined by the Secretary to be less strict than those in effect as of September 30, 1997.

TITLE V—RAIL AND MASS TRANSPORTATION ANTI-TERRORISM; SAFETY

SEC. 501. PURPOSE.

The purpose of this title is to protect the passengers and employees of railroad carriers and mass transportation systems and the movement of freight by railroad from terrorist attacks.

SEC. 502. AMENDMENTS TO THE “WRECKING TRAINS” STATUTE.

(a) Section 1992 of title 18, United States Code, is amended to read as follows:

“§ 1992. Terrorist attacks against railroads

“(a) GENERAL PROHIBITIONS.—Whoever willfully—

“(1) wrecks, derails, sets fire to, or disables any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

“(2) brings, carries, possesses, places or causes to be placed any destructive substance, or destructive device in, upon, or near any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, without previously obtaining the permission of the carrier, and with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

“(3) sets fire to, or places any destructive substance, or destructive device in, upon or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, knowing or having reason to know such activity would likely derail, disable, or wreck a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

“(4) removes appurtenances from, damages, or otherwise impairs the operation of any railroad signal system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal on a railroad line used, operated, or employed by a railroad carrier;

“(5) interferes with, disables or incapacitates any locomotive engineer, conductor, or other person while they are operating or maintaining a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

“(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a railroad carrier while on the property of the carrier;

“(7) causes the release of a hazardous material being transported by a rail freight car, with the intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

“(8) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

“(9) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts; Provided however, that whoever is convicted of any crime prohibited by this subsection shall be:

“(A) imprisoned for not less than thirty years or for life if the railroad train involved carried high-level radioactive waste or spent nuclear fuel at the time of the offense;

“(B) imprisoned for life if the railroad train involved was carrying passengers at the time of the offense; and

“(C) imprisoned for life or sentenced to death if the offense has resulted in the death of any person.

“(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

“(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a passenger train of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

“(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a passenger train or in a passenger terminal facility of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

“(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a passenger train or a passenger terminal facility of a railroad carrier involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

“(4) Paragraph (1) shall not apply to:

“(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

“(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

“(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;

“(D) the possession of a firearm or other dangerous weapon by a railroad police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State, whether on or off duty; or

“(E) an individual transporting a firearm on board a railroad passenger train (except a loaded firearm) in baggage not accessible to any passenger on board the train, if the railroad carrier was informed of the presence of the weapon prior to the firearm being placed on board the train.

“(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any locomotive or car of a train, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course

of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of any crime prohibited by this subsection by this subsection shall also be subject to imprisonment for not more than twenty years if the offense has resulted in the death of any person.

“(d) DEFINITIONS.—In this section—

“(1) ‘dangerous device’ has the meaning given to that term in section 921(a)(4) of this title;

“(2) ‘dangerous weapon’ has the meaning given to that term in section 930 of this title;

“(3) ‘destructive substance’ has the meaning given to that term in section 31 of this title, except that (A) the term ‘radioactive device’ does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) ‘destructive substance’ includes any radioactive device or material that could be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

“(4) ‘firearm’ has the meaning given to that term in section 921 of this title;

“(5) ‘hazardous material’ has the meaning given to that term in section 5102(2) of title 49, United States Code;

“(6) ‘high-level radioactive waste’ has the meaning given to that term in section 10101(12) of title 42, United States Code;

“(7) ‘railroad’ has the meaning given to that term in section 20102(1) of title 49, United States Code;

“(8) ‘railroad carrier’ has the meaning given to the term in section 20102(2) of title 49, United States Code;

“(9) ‘serious bodily injury’ has the meaning given to that term in section 1365 of this title;

“(10) ‘spent nuclear fuel’ has the meaning given to that term in section 10101(23) of title 42, United States Code; and

“(11) ‘State’ has the meaning given to that term in section 2266 of this title.”

(b) In the analysis of chapter 97 of title 18, United States Code, item “1992” is amended to read:

“1992. Terrorist attacks against railroads”.

SEC. 503. TERRORIST ATTACKS AGAINST MASS TRANSPORTATION.

(a) Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

“§ 1994. Terrorist attacks against mass transportation

“(a) GENERAL PROHIBITIONS.—Whoever willfully—

“(1) wrecks, derails sets fire to, or disables a mass transportation vehicle or vessel;

“(2) places or causes to be placed any destructive substance in, upon, or near a mass transportation vehicle or vessel, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

“(3) sets fire to, or places any destructive substance in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle used, operated, or employed by mass transportation provider;

“(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including

a train control system, centralized dispatching system, or rail grade crossing warning signal;

“(5) interferes with, disables or incapacitates any driver or person while they are employed in operating or maintaining a mass transportation vehicle or vessel, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

“(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of mass transportation provider on the property of a mass transportation provider;

“(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

“(8) attempts, threatens, or conspires to do any of the aforesaid acts—shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of a crime prohibited by this section shall also be subject to imprisonment for life if the mass transportation vehicle or vessel was carrying a passenger at the time of the offense, and imprisonment for life or sentenced to death if the offense has resulted in the death of any person.

“(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

“(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a mass transportation vehicle or vessel, or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

“(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a mass transportation vehicle or vessel, or in a mass transportation passenger terminal facility, or attempts to do so, shall be fined under this title, or imprisoned not more than 5 years, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

“(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a mass transportation vehicle or vessel, or a mass transportation passenger terminal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

“(4) Paragraph (1) shall not apply to:

“(A) the possession of a firearm or other dangerous weapon by an officer, agent, or a

employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

“(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

“(C) the possession of a firearm or other dangerous weapon by a Federal official or member of the Armed Forces if such possession is authorized by law;

“(D) the possession of a firearm or other dangerous weapon by a railroad police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State, whether on or off duty; or

“(E) an individual transporting a firearm on board a mass transportation vehicle or vessel (except a loaded firearm) in baggage not accessible to any passenger on board the vehicle or vessel, if the mass transportation provider was informed of the presence of the weapon prior to the firearm being placed on board the vehicle or vessel.

“(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any mass transportation vehicle or vessel, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a mass transportation provider engaged in or substantially affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than twenty years if the offense has resulted in the death of any person.

“(d) DEFINITIONS.—In this section—

“(1) ‘dangerous device’ has the meaning given to that term in section 921(a)(4) of this title;

“(2) ‘dangerous weapon’ has the meaning given to that term in section 930 of this title;

“(3) ‘destructive substance’ has the meaning given to that term in section 31 of this title, except that (A) the term ‘radioactive device’ does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) ‘destructive substance’ includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

“(4) ‘firearm’ has the meaning given to that term in section 921 of this title;

“(5) ‘mass transportation’ has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

“(6) ‘serious bodily injury’ has the meaning given to that term in section 1365 of this title, and

“(7) ‘State’ has the meaning given to that term in section 2266 of this title.”

(b) The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end thereof:

“1994. Terrorist attacks against mass transportation.”

SEC. 504. INVESTIGATIVE JURISDICTION.

The Federal Bureau of Investigation shall lead the investigation of all offenses under sections 1192 and 1994 of title 18, United States Code. The Federal Bureau of Investigation shall cooperate with the National Transportation Safety Board and with the Department of Transportation in safety investigations by these agencies, and with the Treasury Department's Bureau of Alcohol, Tobacco and Firearms concerning an investigation regarding the possession of firearms and explosives.

SEC. 505. SAFETY CONSIDERATIONS IN GRANTS OR LOANS TO COMMUTER RAILROADS.

Section 5329 is amended by adding at the end the following:

“(c) COMMUTER RAILROAD SAFETY CONSIDERATIONS.—In making a grant or loan under this chapter that concerns a railroad subject to the Secretary's railroad safety jurisdiction under section 2102 of this title, the Federal Transit Administrator shall consult with the Federal Railroad Administrator concerning relevant safety issues. The Secretary may use appropriate authority under this chapter, including the authority to prescribe particular terms or convenants under section 5334 of this title, to address any safety issues identified in the project supported by the loan or grant.”

SEC. 506. RAILROAD ACCIDENT AND INCIDENT REPORTING.

Section 20901(a) is amended to read as follows:

“(a) GENERAL REQUIREMENTS.—On a periodic basis not more frequent than monthly, as specified by the Secretary of Transportation, a railroad carrier shall file a report with the Secretary on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier's operations during that period. The report shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.”

SEC. 507. VEHICLE WEIGHT LIMITATIONS—MASS TRANSPORTATION BUSES.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended (23 U.S.C. 127 note), is amended by striking “the date on which” and all that follows through “1995” and inserting “January 1, 2003”.

TITLE—VI SPORTFISHING AND BOATING SAFETY

SEC. 601. AMENDMENT OF 1950 ACT.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the 1950 Act, the reference shall be considered to be made to a section or other provision of the Act entitled “An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,” approved August 9, 1950 (16 U.S.C. 777 et seq.).

SEC. 602. OUTREACH AND COMMUNICATIONS PROGRAMS.

(a) DEFINITIONS.—Section 2 of the 1950 Act (16 U.S.C. 777a) is amended—

(1) by indenting the left margin of so much of the text as precedes “(a)” by 2 ems;

(2) by inserting “For purposes of this Act—” after the section caption;

(3) by striking “For the purposes of this Act the” in the first paragraph and inserting “(1) the”;

(4) by indenting the left margin of so much of the text as follows “include—” by 4 ems;

(5) by striking “(a)”, “(b)”, “(c)”, and “(d)” and inserting “(A)”, “(B)”, “(C)”, and “(D)”, respectively;

(6) by striking “department.” and inserting “department;”;

(7) by adding at the end thereof the following:

“(2) the term ‘outreach and communications program’ means a program to improve communications with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the nation’s aquatic resources, and to further safety in fishing and boating; and

“(3) the term ‘aquatic resource education program’ means a program designed to enhance the public’s understanding of aquatic resources and sport-fishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.”.

(b) FUNDING FOR OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4 of the 1950 Act (16 U.S.C. 777c) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f);

(2) by inserting after subsection (b) the following:

“(c) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Of the balance of each such annual appropriation remaining after making the distribution under subsections (a) and (b), respectively, an amount equal to—

- (1) \$5,000,000 for fiscal year 1998;
- (2) \$6,000,000 for fiscal year 1999;
- (3) \$7,000,000 for fiscal year 2000;
- (4) \$8,000,000 for fiscal year 2001;
- (5) \$10,000,000 for fiscal year 2002; and
- (6) \$10,000,000 for fiscal year 2003,

shall be used for the National Outreach and Communications Program under section X08(d). Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary of the Interior for that program may be expended by the Secretary under subsection (e).”;

(3) by inserting a comma and “for an outreach and communications program” after “Act” in subsection (d), as redesignated;

(4) by striking “subsections (a) and (b),” in subsection (d), as redesignated, “subsections (a), (b), and (c).”;

(5) by adding at the end of subsection (d), as redesignated, the following: “Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to \$2,500,000 may be used for the National Outreach and Communications Program under section X08(d) in addition to the amount available for that program under subsection (c). No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purpose except those purposes authorized by this Act. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register.”; and

(6) by striking subsections (a), (b), and (c),” in subsection (e), as redesignated, and inserting “subsections (a), (b), (c), and (d).”.

(c) INCREASE IN STATE ALLOCATION.—Section 8 of the 1950 Act (16 U.S.C. 777g) is amended—

(1) by striking “12 ½ percentum” each place it appears in subsection (b) and inserting “15 percent”;

(2) by striking “10 percentum” in subsection (c) and inserting “15 percent”;

(3) by inserting “and communications” in subsection (c) after “outreach”; and

(4) by redesignating subsection (d) as subsection (f); and by inserting after subsection (c) the following:

“(d) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—

“(1) IMPLEMENTATION.—Within 1 year after the date of enactment of the Intermodal Transportation Safety Act of 1997, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

“(2) CONTENT.—The plan shall provide—

“(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

“(B) for the establishment of a national program.

“(3) SECRETARY MAY MATCH OR FUND PROGRAMS.—Under the plan, the Secretary may obligate amounts available under subsection (c) or (d) of section 604 of this Act—

“(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach or communications program under the plan; or

“(B) to fund contracts with States or private entities to carry out such a program.

“(4) REVIEW.—The plan shall be reviewed periodically, but not less frequently than once every 3 years.

“(e) STATE OUTREACH AND COMMUNICATIONS PROGRAM.—Within 12 months after the completion of the national plan under subsection (d)(1), a State shall develop a plan for an outreach and communications program and submit it to the secretary. In developing the plan, a State shall—

“(1) review the national plan developed under subsection (d);

“(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

“(3) establish priorities or the State outreach and communications program proposed for implementation.”.

SEC. 603. CLEAN VESSEL ACT FUNDING.

Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is amended to read as follows:

“(b) USE OF BALANCE AFTER DISTRIBUTION.—

“(1) FISCAL YEAR 1998.—For fiscal year 1998, of the balance remaining after making the distribution under subsection (a), an amount equal to \$51,000,000 shall be used as follows:

“(A) \$10,000,000 shall be available to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

“(B) \$10,000,000 shall be available to the Secretary of the Interior for 3 years for obligation for qualified projects under section X05(d) of the Intermodal Transportation Safety Act of 1997; and

“(C) \$31,000,000 shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

“(2) FISCAL YEARS 1999–2003.—For each of fiscal years 1999 through 2003, the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$84,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504) to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

“(A) \$10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

“(B) \$10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section X05(d) of the Intermodal Transportation Safety Act of 1997; and

“(C) the balance shall be transferred for each such fiscal year to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

“(3) Amounts available under subparagraphs (A) and (B) of paragraph (1) and paragraph (2) that are unobligated by the Secretary of the Interior after 3 years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.”.

SEC. 604. BOATING INFRASTRUCTURE.

(a) PURPOSE.—The purpose of this section is to provide funds to States for the development and maintenance of public facilities for transient nontrailerable recreational vessels.

(b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C. 777g), as amended by section X03, is amended by adding at the end thereof the following:

“(g) SURVEYS.—

“(1) NATIONAL FRAMEWORK.—Within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

“(2) STATE SURVEYS.—Within 18 months after such date of enactment, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

“(3) EXCEPTION.—Paragraph (2) does not apply to a State if, within 18 months after such date of enactment, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

“(4) FUNDING.—A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.”.

(c) PLAN.—Within 6 months after submitting a survey to the Secretary under section 8(g) of the Act entitled “An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,” approved August 9, 1950 (16 U.S.C. 777g(g)), as added by subsection (b) of this section, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of public facilities, and access to those facilities, for transient nontrailerable recreational vessels to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate amounts made available under section 4(b)(1)(C) of the Act entitled “An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,” approved August 9, 1950 (16 U.S.C. 777c(b)(1)(C)) to make grants to any State to

pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining public facilities for transient nontrailerable recreational vessels.

(2) **PRIORITIES.**—In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of public facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) **DEFINITIONS.**—For purposes of this section, the term—

(1) “nontrailerable recreational vessel” means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) “public facilities for transient nontrailerable recreational vessels” includes mooring buoys, docks, navigational aids, seasonal slips, or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable recreational vessels; and

(4) “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(f) **EFFECTIVE DATE.**—This section shall take effect on October 1, 1997.

SEC. 605. BOAT SAFETY FUNDS.

(a) **AVAILABILITY OF ALLOCATIONS.**—Section 13104(a) of title 46, United States Code, is amended—

(1) by striking “3 years” in paragraph (1) and inserting “2 years”; and

(2) by striking “3-year” in paragraph (2) and inserting “2-year”.

(b) **EXPENDITURES.**—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: “Subject to paragraph (2) and subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)).”; and

(2) by striking subsection (c) and inserting the following:

“(c) Of the amount transferred for each fiscal year to the Secretary of Transportation under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), \$5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.”.

(c) **CONFORMING AMENDMENTS.**—

(1) The caption for section 13106 of title 46, United States Code, is amended to read as follows:

§ 13106. Authorization of appropriations”.

(2) The chapter analysis for chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13106 and inserting the following:

“13106. Authorization of appropriations”.

TITLE VII—MISCELLANEOUS

SEC. 701. ENFORCEMENT OF WINDOW GLAZING STANDARDS FOR LIGHT TRANSMISSION.

Section 402(a) of title 23, United States Code, is amended by striking “post-accident procedures.” and inserting “post-accident procedures, including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks as necessary to improve highway safety.”.

DOMENICI AMENDMENT NO. 1365

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

In the language proposed to be stricken, at the appropriate place insert the following:

Notwithstanding any other provision of this Act, any amount of contract authority which is provided in this Act for the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991, which exceeds \$147,387,000,000 for fiscal years 1998 through 2002 shall only be available to the extent provided in advance in appropriation acts.

REID AMENDMENTS NOS. 1366–1367

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1366

On page 253, between lines 15 and 16, insert the following:

“(3) **LAKE TAHOE REGION.**—Notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region (as defined in the Lake Tahoe Regional Planning Compact), by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

AMENDMENT No. 1367

At the appropriate place, insert the following:

SEC. . LONGER COMBINATION VEHICLES.

(a) **INTERSTATE SYSTEM.**—

(1) **IN GENERAL.**—Section 127(d) of title 23, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “configuration type was” and inserting the following “configuration type—

“(i) was”;

(II) by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(ii) consists of combination of a truck tractor and 2 trailers or semitrailers.”; and

(ii) in each of subparagraphs (D), (E), and (F), by inserting before the period at the end the following: “, except that the State may not allow the operation of any combination of a truck tractor and more than 2 trailers or semitrailers”; and

(B) in paragraph (3), by adding at the end the following:

“(F) **ADDITIONAL REVISION.**—

“(i) **IN GENERAL.**—Not later than 120 days after the date of enactment of this subparagraph, the Secretary shall publish in the Federal Register a revision of the list published under subparagraph (D) that reflects the amendments made by section —(a) of the Intermodal Surface Transportation Efficiency Act of 1997.

“(ii) **REVIEW AND CORRECTION PROCEDURE.**—The revised list published under clause (i) shall be subject to the review and correction procedure described in subparagraph (E).”.

“(2) **APPLICATION OF AMENDMENTS.**—The amendments made by paragraph (1) shall apply beginning on the date that is 180 days after the date of enactment of this Act.

PROPERTY-CARRYING UNIT LIMITATION.—Section 31112 of title 49, United States Code, is amended—

(1) in subsection (b), by striking “A State” and inserting “Subject to subsection (h), a State”; and

(2) in subsection (c), by striking “In addition” and inserting “Subject to subsection (h), in addition”; and

(3) in subsection (d), by adding at the end the following:

“(5) Paragraphs (1) through (3) are subject to the limitation under subsection (h).”;

(4) in subsection (e), by adding at the end the following:

“(5) Not later than 120 days after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997, the Secretary shall publish in the Federal Register a revised list that reflects the limitation under subsection (h).”;

(5) in subsection (f), by striking “This section” and inserting “Except as provided in subsection (h), this section”; and

(6) by adding at the end the following:

“(h) **LIMITATION WITH RESPECT TO LONGER COMBINATION VEHICLES.**—Beginning on the date specified in section —(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1997, each State shall take such action as may be necessary to ensure that no longer combination vehicle (as that term is defined in section 127(d)(4) of title 23, United States Code) that consists of a combination of a truck tractor and more than 2 trailers or semitrailers may operate on the Interstate System.”.

JOHNSON AMENDMENT NO. 1368

(Ordered to lie on the table.)

Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

On page 136, strike line 22 and insert the following:

specified in subparagraph (G).”.

SEC. 1128. TAX-EXEMPT FUEL FOR MASS TRANSPORTATION RECIPIENTS.

(a) **GASOLINE.**—Section 6421(b)(1) of the Internal Revenue Code of 1986 (relating to intercity, local, or school buses) is amended by striking “or” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following:

“(B) providing mass transportation (as defined in section 5302(a)(7) of title 49, United States Code), if the mass transportation provider is a recipient or a subrecipient of financial assistance under chapter 53 of such title or an entity under contract to a recipient to provide mass transportation service for the recipient, but only to the extent that mass transportation service is provided, or”.

(b) OTHER FUELS.—Section 6427(b)(1) of the Internal Revenue Code of 1986 (relating to intercity, local, or school buses) is amended by striking “or” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following:

“(B) providing mass transportation (as defined in section 5302(a)(7) of title 49, United States Code), if the mass transportation provider is a recipient or a subrecipient of financial assistance under chapter 53 of such title or an entity under contract to a recipient to provide mass transportation service for the recipient, but only to the extent that mass transportation service is provided, or”.

(c) CONFORMING AMENDMENT.—Section 6427(b)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) EXCEPTION FOR CERTAIN TRANSPORTATION.—Subparagraph (A) shall not apply to fuel used in an automobile bus which engaged in the transportation described in subparagraph (B) or (C) of paragraph (1).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel used after the date of enactment of this Act.

JOHNSON (AND OTHERS) AMENDMENT NO. 1369

(Ordered to lie on the table.)

Mr. JOHNSON (for himself, Mr. THOMAS, Mr. LEVIN, and Mr. ALLARD) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ . MINIMUM GUARANTEE OF TRANSIT PROGRAM FUNDS.

Section 5338 of title 49, United States Code, is amended by adding at the end the following:

“(o) MINIMUM GUARANTEE OF TRANSIT PROGRAM FUNDS.

“(1) SET-ASIDE REQUIRED.—For each fiscal year beginning after September 30, 1997, after providing for any allocation or set-asides under subsection (g) or (h), but before completing distribution of other amounts made available or appropriated under subsections (a) and (b), the Secretary shall set aside, and shall make available to each State, in addition to amounts otherwise made available to the State (or to its political subdivisions) to carry out sections 5307, 5309, 5310, and 5311, the amount calculated under paragraph (2)(B).

“(2) CALCULATION.—

“(A) DEFINITION OF MINIMUM GUARANTEE THRESHOLD AMOUNT.—In this subsection, the term ‘minimum guarantee threshold amount’ means, with respect to a State for a fiscal year, the amount equal to the product of—

“(i) total amount made available to all States and political subdivisions under sections 5307, 5309, 5310, and 5311 for that fiscal year; multiplied by

“(ii) 70 percent of the State’s percentage contribution to the estimated tax payments attributable to highway users in all States and allocated to the Mass Transit Account under section 9503(e) of the Internal Revenue Code of 1986 in the latest fiscal year for which data are available.

“(B) CALCULATION.—Subject to subparagraph (C) and any other limitations set forth in this subsection, the amount required to be provided to a State under this subsection is the amount, if it is a positive number, that, if added to the total amount made available to the State (and its political subdivisions) under sections 5307, 5309, 5310, and 5311 for that fiscal year, is equal to the minimum guarantee threshold amount.

“(C) LIMITATION.—The maximum amount made available to a State under this subsection shall not exceed \$12,500,000.

“(3) SOURCE OF FUNDS.—

“(A) IN GENERAL.—Amounts required to be set aside and made available to States under this subsection—

“(i) may be obtained from any amounts under section 5309 that are made available to the Secretary for distribution at the Secretary’s discretion; or

“(ii) if not, shall be obtained by proportionately reducing amounts which would otherwise be made available under subsections (a) and (b), for sections 5307, 5309, 5310, and 5311, to those States and political subdivisions for which the amount made available under sections 5307, 5309, 5310, and 5311 to the State (including political subdivisions thereof) is greater than the product of—

“(I) total amount made available to all States and political subdivisions under sections 5307, 5309, 5310, and 5311, in that fiscal year; multiplied by

“(II) the State’s percentage contribution to the estimated tax payments attributable to highway users in all States and allocated to the Mass Transit Account under section 9503(e) of the Internal Revenue Code of 1986 in the latest fiscal year for which data are available.

“(B) PROPORTIONATE REDUCTIONS.—The Secretary also shall apply reductions under subparagraph (A)(ii) proportionately to amounts made available from the Mass Transit Account and to amounts made available from other sources.

“(C) OTHER REDUCTIONS.—

“(i) IN GENERAL.—Reductions otherwise required by subparagraph (A) may be taken against the amounts that otherwise would be made available to any State or political subdivision thereof, only to the extent that making those reductions would not reduce the total amount made available to the State and its political subdivisions under sections 5307, 5309, 5310, and 5311 to less than the lesser of—

“(I) 90 percent of the total of those amounts made available to the State and its political subdivisions in fiscal year 1997; or

“(II) the minimum guarantee threshold amount for the State for the fiscal year at issue.

“(ii) PROPORTIONATE REDUCTIONS.—In the event of the applicability of clause (i), the Secretary shall obtain the remainder of the amounts required to be made available to States under the minimum guarantee required by this subsection proportionately from those States, including political subdivisions, to which subparagraph (A) applies, and to which clause (i) of this subparagraph does not apply.

“(4) ATTRIBUTION OF AMOUNTS.—For the purposes of calculations under this subsection, with respect to attributing to individual States any amounts made available to political subdivisions that are multi-State entities, the Secretary shall attribute those amounts to individual States, based on such criteria as the Secretary may adopt by rule, except that, for purposes of calculations for fiscal year 1998 only, the Secretary may attribute those amounts to individual States before adopting a rule.

“(5) USE OF ADDITIONAL AMOUNTS.—Amounts made available to a State under this subsection may be used for any purpose eligible for assistance under this chapter. Not more than 50 percent of the amount made available to a State under this subsection for any fiscal year may be used by the State for any project or program eligible for assistance under title 23.

“(6) TREATMENT OF CERTAIN AMOUNTS.—For purposes of sections 5323(a)(1)(D) and 5333(b),

amounts made available to a State under this subsection that are, in turn, awarded by the State to subgrantees, shall be treated as if apportioned—

“(A) under section 5311, if the subgrantee is not serving an urbanized area; and

“(B) directly to the subgrantee under section 5307, if the subgrantee serves an urbanized area.”.

STEVENS AMENDMENT NO. 1370

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . MUNICIPALITY OR FERRY AUTHORITY.

(a) Notwithstanding any other provision of law, section 5333(b) of Title 49, United States Code, shall not apply to a grant to a municipality or ferry authority for a ferry operated between points which are not connected by road to the remainder of the United States, Canada, or Mexico and which is replacing service that has been or will be diminished by the applicable State or ferry authority within 24 months of the date of passage of this amendment.

(b) The Federal Transit Administration is authorized to award a grant to a municipality or ferry authority required by State law to operate its ferry without any guarantee from other municipal receipts or financing.

SPECTER AMENDMENTS NOS. 1371–1372

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1371

On page 309, after line 3, insert the following:

“Sec. . DESIGNATION OF HIGH PRIORITY CORRIDORS.

“Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032-2033) is amended by inserting after paragraph (29) the following:

“(30) The Mon-Fayette Expressway and Southern Beltway in Pennsylvania.

“(31) The U.S. route 219 Corridor from the vicinity of Bradford, Pennsylvania to the vicinity of Salisbury, Pennsylvania.”.

AMENDMENT No. 1372

On page 105, line 13, strike “\$40,000,000” and insert “\$50,000,000”.

On page 105, line 14, strike “\$50,000,000” and insert “\$70,000,000”.

On page 105, line 15, strike “\$60,000,000” and insert “\$80,000,000”.

On page 105, line 16, strike “\$70,000,000” and insert “\$100,000,000”.

On page 395, line 8, strike “\$120,000,000” and insert “\$115,000,000”.

On page 395, line 8, strike “\$125,000,000” and insert “\$120,000,000”.

On page 395, line 9, strike “\$130,000,000” and insert “\$125,000,000”.

On page 395, line 10, strike “\$135,000,000” and insert “\$125,000,000”.

On page 395, line 10, strike “\$140,000,000” and insert “\$130,000,000”.

On page 395, line 11, strike “\$150,000,000” and insert “\$135,000,000”.

On page 398, line 7, strike “\$100,000,000” and insert “\$95,000,000”.

On page 398, line 7, strike “\$110,000,000” and insert “\$105,000,000”.

On page 398, line 8, strike “\$115,000,000” and insert “\$110,000,000”.

On page 398, line 9, strike "\$130,000,000" and insert "\$120,000,000".

On page 398, line 9, strike "\$135,000,000" and insert "\$125,000,000".

On page 398, line 10, strike "\$145,000,000" and insert "\$130,000,000".

LEVIN AMENDMENTS NOS. 1373-1376

(Ordered to lie on the table.)

Mr. LEVIN submitted four amendments intended to be proposed by him to the bill, S. 1173, *supra*; as follows:

AMENDMENT NO. 1373

On page 29, strike lines 7 through 19 and insert the following:

"(i) each State's percentage of the total sums made available from the Highway Trust Fund for the fiscal year; bears to

On page 29, lines 23 and 24, strike "(other than the Mass Transit Account)".

On page 31, strike lines 8 and 9 and insert the following:

"(B) shall—

"(i) in the case of amounts allocated under subsection (a)(1)(A), be available for any purpose eligible for funding under this title, title 49, or the Intermodal Surface Transportation Efficiency Act of 1997; and

"(ii) in the case of amounts allocated under subsection (a)(1)(B), be available for any purpose eligible for funding under this title.

On page 31, line 11, strike "(a)" and insert "(a)(1)(B)".

On page 31, line 23, strike the quotation marks and the following period.

On page 31, between lines 23 and 24, insert the following:

"(e) **APPLICABILITY OF OBLIGATION LIMITATIONS.**—Any obligation limitation established by the Intermodal Surface Transportation Efficiency Act of 1997 or any subsequent Act shall not apply to obligations made under this section, unless the provision of law establishing the limitation specifically amends or limits the applicability of this subsection."

AMENDMENT NO. 1374

At the end of subtitle H of title I, add the following:

SECTION 18 . USE OF BRIDGE REINFORCEMENT TECHNOLOGY IN SOUTHFIELD, MICHIGAN.

(a) **IN GENERAL.**—The Secretary shall make funds available to the State of Michigan to carry out a project to construct the Bridge Street bridge in the city of Southfield, Michigan, using advanced carbon and glass composites as reinforcements for concrete, instead of steel, in the manufacture of prestressed bridge beams and bridge decks.

(b) **AUTHORIZATION OF CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$2,300,000 for each of fiscal years 1998 and 1999.

(2) **CONTRACT AUTHORITY.**—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

AMENDMENT NO. 1375

On page 125, lines 5 and 6, strike "not less than 15 percent" and insert "not less than 25 percent, nor more than 35 percent,".

On page 156, strike lines 21 through 23 and insert the following:

(B) in paragraph (3)—

(i) in the first sentence of subparagraph (A), by striking "80" and inserting "82"; and

(ii) in subparagraph (B)—

(I) by striking "tobe" and inserting "to be"; and

(II) by adding at the end the following: "A project under this subparagraph shall be undertaken on a road that is classified as below a principal arterial."; and

On page 274, strike lines 3 through 7 and insert the following:

"(ii) **NONMETROPOLITAN AREAS.**—

"(I) **IN GENERAL.**—With respect to each nonmetropolitan area in the State, the program shall be developed jointly by the State, elected officials of affected local governments, and elected officials of subdivisions of affected local governments that have jurisdiction over transportation planning, through a process developed by the State that ensures participation by the elected officials.

"(II) **REVIEW.**—Not less than once every 2 years, the Secretary shall review the planning process through which the program was developed under subclause (I).

"(III) **APPROVAL.**—The Secretary shall approve the planning process if the Secretary finds that the planning process is consistent with this section and section 134.

On page 286, between lines 10 and 11, insert the following:

SEC. 1605. STUDY OF PARTICIPATION OF LOCAL ELECTED OFFICIALS IN TRANSPORTATION PLANNING AND PROGRAMMING.

(a) **STUDY.**—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming.

(b) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the study required under subsection (a).

AMENDMENT NO. 1376

In lieu of the matter proposed to be inserted, insert the following:

1. SHORT TITLE.

This Act may be cited as the "Short-Term ISTEA Extension Act of 1997".

SEC. 2. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) **MAJOR PROGRAMS.**—

(1) **IN GENERAL.**—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) is amended by adding at the end the following:

"(d) **FEDERAL-AID HIGHWAYS FOR PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.**—

"(1) **IN GENERAL.**—

"(A) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety construction programs \$11,942,375,000 for the period of October 1, 1997, through March 31, 1998.

"(B) **DISTRIBUTION.**—Amounts made available under subparagraph (A) shall be distributed in accordance with this subsection.

"(2) **CERTAIN DISCRETIONARY PROGRAMS.**—Of the amounts made available under paragraph (1), the Secretary shall deduct, for the period of October 1, 1997, through March 31, 1998—

"(A) \$32,500,000 to carry out section 118(c)(2) of title 23, United States Code; and

"(B) \$30,250,000 to carry out the discretionary program under paragraphs (1) and (2) of section 144(g) of that title.

"(3) **STATE ALLOCATION PERCENTAGES.**—Using amounts remaining after making the deductions under paragraph (2) and application of paragraphs (4) and (5), the Secretary shall determine the amount to be apportioned to each State in accordance with the

percentage specified for the State in the following table:

*State	Percentage
Alabama	2.1138
Alaska	0.9988
Arizona	1.6077
Arkansas	1.4268
California	9.3057
Colorado	1.2912
Connecticut	1.8229
Delaware	0.4157
District of Columbia	0.4436
Florida	4.7766
Georgia	3.6171
Hawaii	0.6435
Idaho	0.6314
Illinois	3.4058
Indiana	2.5115
Iowa	1.082
Kansas	1.0732
Kentucky	1.7883
Louisiana	1.5431
Maine	0.5871
Maryland	1.5643
Massachusetts	1.8584
Michigan	3.2075
Minnesota	1.4147
Mississippi	1.3196
Missouri	2.4028
Montana	0.7957
Nebraska	0.8027
Nevada	0.6218
New Hampshire	0.4764
New Jersey	2.4404
New Mexico	0.8767
New York	5.1849
North Carolina	2.9155
North Dakota	0.6972
Ohio	3.4675
Oklahoma	1.6553
Oregon	1.2105
Pennsylvania	3.878
Rhode Island	0.6208
South Carolina	1.6819
South Dakota	0.629
Tennessee	2.3345
Texas	7.0623
Utah	0.7969
Vermont	0.3912
Virginia	2.647
Washington	1.8263
West Virginia	1.2008
Wisconsin	1.8776
Wyoming	0.625
Puerto Rico	0.431.

"(4) **STATE PROGRAMMATIC DISTRIBUTION.**—

"(A) **IN GENERAL.**—Of the funds to be apportioned to each State under paragraph (3), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under subparagraph (B)—

"(i) for the Interstate maintenance program under section 119 of title 23, United States Code;

"(ii) for the National Highway System under section 103 of that title;

"(iii) for the bridge program under section 144 of that title;

"(iv) for the surface transportation program under section 133 of that title;

"(v) for the congestion mitigation and air quality improvement program under section 149 of that title;

"(vi) for minimum allocation under section 157 of that title;

"(vii) for Interstate reimbursement under section 160 of that title;

"(viii) for the donor State bonus under section 1013(c);

"(ix) for hold harmless under section 1015(a);

"(x) for the 90 percent of payments adjustments under section 1015(b);

"(xi) for metropolitan planning under section 134 of that title;

"(xii) for section 1015(c); and

"(xiii) for funding restoration under section 202 of the National Highway System Designation Act of 1995 (109 Stat. 571).

“(B) FORMULA.—The amount that each State shall be apportioned under this subsection for each item referred to in subparagraph (A) shall be determined by multiplying—

“(i) the amount apportioned to the State under paragraph (3); by

“(ii) the ratio that—

“(I) the amount of funds apportioned for the item to the State for fiscal year 1997; bears to

“(II) the total of the amount of funds apportioned for the items to the State for fiscal year 1997.

“(C) MINIMUM ALLOCATION.—Funds apportioned to States under this subsection for minimum allocation under section 157 of title 23, United States Code, shall not be subject to any obligation limitation.

“(D) ADMINISTRATION.—Funds authorized under this subsection shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code.

“(5) GENERAL OPERATING EXPENSES AND TERRITORIAL HIGHWAYS.—

“(A) GENERAL OPERATING EXPENSES.—After making the determinations and before apportioning funds under paragraphs (3) and (4), the Secretary shall deduct the amount that would be required to be deducted under section 104(a) of title 23, United States Code, from the aggregate of amounts to be apportioned to all States for programs to which the deduction under that section would apply if that section applied to the apportionment.

“(B) TERRITORIAL HIGHWAYS.—After making the determinations and before apportioning funds under paragraphs (3) and (4), the Secretary shall deduct the amount required to be deducted under section 104(b)(1) of title 23, United States Code, for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands from the aggregate of amounts to be apportioned to all States for the National Highway System under this subsection.”.

(2) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h) of title 23, United States Code, is amended by inserting after “1997” the following: “and \$7,500,000 for the period of October 1, 1997, through March 31, 1998”.

(3) WOODROW WILSON BRIDGE.—Section 104(i)(1) of title 23, United States Code, is amended by inserting after “1997” the following: “, and for the period of October 1, 1997, through March 31, 1998.”.

(4) OFF-SYSTEM BRIDGES.—Section 144(g)(3) of title 23, United States Code, is amended by inserting after “1997,” the following: “and for the period of October 1, 1997, through March 31, 1998.”.

(5) SURFACE TRANSPORTATION PROGRAM.—

(A) IN GENERAL.—Section 133(f) of title 23, United States Code, is amended by inserting after “1997” the following: “, and for the period of October 1, 1997, through March 31, 1998.”.

(B) APPORTIONMENT OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Section 104(b)(3)(B) of title 23, United States Code, is amended in the first sentence by inserting after “1997,” the following: “and for the period of October 1, 1997, through March 31, 1998.”.

(b) FEDERAL LANDS HIGHWAYS.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A)—

(A) by striking “1992 and” and inserting “1992.”; and

(B) by inserting before the period at the end the following: “, and \$95,500,000 for the period of October 1, 1997, through March 31, 1998.”;

(2) in subparagraph (B)—

(A) by striking “1995, and” and inserting “1995.”; and

(B) by inserting before the period at the end the following: “and \$86,000,000 for the period of October 1, 1997, through March 31, 1998.”; and

(3) in subparagraph (C)—

(A) by striking “1995, and” and inserting “1995.”; and

(B) by inserting before the period at the end the following: “, and \$42,000,000 for the period of October 1, 1997, through March 31, 1998”.

(c) CERTAIN ALLOCATED PROGRAMS.—

(1) HIGHWAY USE TAX EVASION.—Section 1040(f)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended in the first sentence by inserting before the period at the end the following: “and \$2,500,000 for the period of October 1, 1997, through March 31, 1998”.

(2) SCENIC BYWAYS PROGRAM.—Section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1998) is amended in the first sentence—

(A) by striking “1994, and” and inserting “1994.”; and

(B) by inserting before the period at the end the following: “, and \$7,000,000 for the period of October 1, 1997, through March 31, 1998”.

(3) FERRY BOAT CONSTRUCTION.—Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended—

(A) by striking “1996, and” and inserting “1996.”; and

(B) by inserting after “1997” the following: “, and \$9,000,000 for the period of October 1, 1997, through March 31, 1998.”.

(d) FISCAL YEAR 1998 OBLIGATION LIMITATION.—

(1) IN GENERAL.—Section 1002 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1916) is amended—

(A) in subsection (a)—

(i) in paragraph (5), by striking “and” at the end;

(ii) in paragraph (6), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(7) \$21,500,000,000 for fiscal year 1998.”; and

(B) by adding at the end the following:

“(h) SPECIAL RULE FOR FISCAL YEAR 1998.—The Secretary shall distribute—

“(1) on October 1, 1997, 50 percent of the limitation on obligations for Federal-aid highways and highway safety construction programs imposed by the Department of Transportation and Related Agencies Appropriations Act, 1998; and

“(2) on July 1, 1998, 50 percent of the limitation.”.

(2) LIMITATION.—Nothing in this section (including the amendments made by this section) shall apply to any funds made available before October 1, 1997, for carrying out—

(A) sections 125 and 157 of title 23, United States Code; and

(B) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

SEC. 3. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) NHTSA HIGHWAY SAFETY PROGRAMS.—Section 2005 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) in paragraph (1)—

(A) by striking “1996, and” and inserting “1996.”; and

(B) by inserting before the period at the end the following: “, and \$83,000,000 for the period of October 1, 1997, through March 31, 1998.”; and

(2) in paragraph (2), by inserting before the period at the end the following: “and \$22,000,000 for the period of October 1, 1997, through March 31, 1998”.

(b) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking “5” and inserting “6”; and

(B) in paragraph (3), by striking “and fifth” and inserting “fifth, and sixth”;

(2) in subsection (d)(2)(B), by striking “two” and inserting “3”; and

(3) in the first sentence of subsection (j)—

(A) by striking “1997, and” and inserting “1997.”; and

(B) by inserting before the period at the end the following: “, and \$12,500,000 for the period of October 1, 1997, through March 31, 1998”.

(c) NATIONAL DRIVER REGISTER.—Section 30308(a) of title 49, United States Code, is amended—

(1) by striking “1994, and” and inserting “1994.”; and

(2) by inserting after “1997,” the following: “and \$1,855,000 for the period of October 1, 1997, through March 31, 1998.”.

(d) OBLIGATION LIMITATION.—The total of all obligations for highway traffic safety grants under sections 402 and 410 of title 23, United States Code, for fiscal year 1998 shall not exceed \$186,500,000.

SEC. 4. FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting “, and for the period of October 1, 1997, through March 31, 1998” after “1997”.

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), by inserting “and for the period of October 1, 1997, through March 31, 1998,” after “1997.”; and

(2) by adding at the end the following:

“(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).”.

(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding at the end the following:

“(F) \$1,284,792,000 for the period of October 1, 1997, through March 31, 1998.”; and

(B) in paragraph (2), by adding at the end the following:

“(F) \$213,869,000 for the period of October 1, 1997, through March 31, 1998.”;

(2) in subsection (b)(1), by adding at the end the following:

“(F) \$1,162,708,000 for the period of October 1, 1997, through March 31, 1998.”;

(3) in subsection (c), by inserting “and not more than \$1,500,000 for the period of October 1, 1997, through March 31, 1998,” after “1997.”;

(4) in subsection (e), by inserting “and not more than \$3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,” after “1997.”;

(5) in subsection (h)(3), by inserting “and \$3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998” after “1997.”;

(6) in subsection (j)(5)—

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

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

(C) by adding at the end the following:

“(D) the lesser of \$1,500,000 or an amount that the Secretary determines is necessary is available for the period of October 1, 1997, through March 31, 1998.”;

(7) in subsection (k), by striking “or (e)” and inserting “(e), or (m)”;

(8) by adding at the end the following:

“(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

“(1) \$125,000 to carry out section 5316(a).

“(2) \$1,500,000 to carry out section 5316(b).

“(3) \$500,000 to carry out section 5316(c).

“(4) \$500,000 to carry out section 5316(d).

“(5) \$500,000 to carry out section 5316(e).”.

(d) OBLIGATION LIMITATIONS.—

(1) DISCRETIONARY GRANTS AND LOANS.—The total of all obligations from the Mass Transit Account of the Highway Trust Fund for carrying out section 5309 of title 49, United States Code, relating to discretionary grants and loans, for fiscal year 1998 shall not exceed \$2,000,000,000.

(2) FORMULA TRANSIT PROGRAMS.—The total of all obligations for formula transit programs under sections 5307, 5310, 5311, and 5336 of title 49, United States Code, for fiscal year 1998 shall not exceed \$2,210,000,000.

SEC. 5. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

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

(1) in paragraphs (1) through (5), by striking “not more” each place it appears and inserting “Not more”; and

(2) by adding at the end the following:

“(6) Not more than \$45,000,000 for the period of October 1, 1997, through March 31, 1998.”.

(b) OBLIGATION LIMITATION.—The total of all obligations for carrying out the motor carrier safety program under section 31102 of title 49, United States Code, for fiscal year 1998 shall not exceed \$85,325,000.

SEC. 6. EXTENSION OF RESEARCH PROGRAMS.

(a) BUREAU OF TRANSPORTATION STATISTICS.—Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2172) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Chapter I”; and

(2) in the first sentence of subsection (b)—
(A) by striking “1996, and” and inserting “1996.”; and

(B) by inserting before the period at the end the following: “, and \$12,500,000 for the period of October 1, 1997, through March 31, 1998”.

(b) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 6058(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended—

(1) by striking “1992 and” and inserting “1992.”; and

(2) by inserting before the period at the end the following: “, and \$56,500,000 for the period of October 1, 1997, through March 31, 1998”.

(c) RESEARCH AND TECHNOLOGY PROGRAM.—Section 307 of title 23, United States Code, is amended in subsections (b)(2)(B), (e)(13), and (f)(4) by inserting after “1997” each place it appears the following: “and for the period of October 1, 1997, through March 31, 1998.”.

(d) EDUCATION AND TRAINING PROGRAM.—Section 326(c) of title 23, United States Code, is amended in the second sentence by inserting after “1997” the following: “, and for the period of October 1, 1997, through March 31, 1998.”.

SEC. 7. 1-YEAR EXTENSION OF HIGHWAY TRUST FUND EXPENDITURES.

(a) GENERAL EXPENDITURE AUTHORITY AND PURPOSES.—Paragraph (1) of section 9503(c)

of the Internal Revenue Code of 1986 is amended—

(1) by striking “October 1, 1997” and inserting “October 1, 1998”; and

(2) by striking the last sentence and inserting the following new flush sentence:

“In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of this sentence.”.

(b) TRANSFERS TO OTHER ACCOUNTS.—

(1) Paragraphs (4)(A)(i) and (5)(A) of section 9503(c), and paragraph (3) of section 9503(e), of such Code are each amended by striking “October 1, 1997” and inserting “October 1, 1998”.

(2) Subparagraph (E) of section 9503(c)(6) of such Code is amended by striking “September 30, 1997” and inserting “September 30, 1998”.

(c) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(1) by striking “October 1, 1997” and inserting “October 1, 1998”; and

(2) by striking all that follows “the enactment of” and inserting “the last sentence of subsection (c)(1).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

Amend the title so as to read: “A bill to authorize through March 31, 1998, funds for construction of highways, for highway safety programs, and for mass transit programs.”.

SPECTER AMENDMENT NO. 1377

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

On page 117, after line 22, insert the following:

“(5) MAGLEV PILOT PROJECT.—Notwithstanding any other provision of this section, of the amounts made available for fiscal year 1999 by this section, \$5,000,000 shall be available to carry out conceptual design and development of a high speed MAGLEV project for which initial research and development funds were provided in 1991 by the Federal Transit Administration and which is intended to serve an international airport in Western Pennsylvania.”.

ABRAHAM (AND LEVIN)

AMENDMENTS NOS. 1378–1383

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted six amendments intended to be proposed by them to the bill, S. 1173, supra; as follows:

AMENDMENT No. 1378

On page 136, after line 22, add the following:

SEC. 11 . AMBASSADOR BRIDGE ACCESS, DETROIT, MICHIGAN.

Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to and construction of access roads, approaches, and related facilities (such as signs, lights, and signals) necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System shall be eligible for funds apportioned under paragraphs (1) and (3) of section 104(b) of that title.

AMENDMENT No. 1379

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . MODIFICATION OF HIGH PRIORITY CORRIDOR.

Section 1105(c)(18) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended—

(1) by striking “(18) Corridor from Indianapolis,” and inserting the following:

“(18)(A) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis.”; and

(2) by adding at the end the following:

“(B) Corridor from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

“(C) Corridor from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.”.

AMENDMENT No. 1380

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . INTERNATIONAL BRIDGE, SAULT STE. MARIE, MICHIGAN.

The International Bridge authority, or its successor organization, shall be permitted to continue collecting tolls for maintenance of, operation of, capital improvements to, and future expansions to the International Bridge, Sault Ste. Marie, Michigan, and its approaches, plaza areas, and associated structures.

AMENDMENT No. 1381

On page 304, after line 24, add the following:

(p) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

“(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.”.

AMENDMENT No. 1382

On page 136, after line 22, add the following:

SEC. 11 . NATIONAL DEFENSE HIGHWAY PROGRAM.

Section 311 of title 23, United States Code, is amended—

(1) by striking “Funds made available” and inserting the following:

“(a) USE OF ADMINISTRATIVE FUNDS.—Funds made available”;

(2) by striking “construction of projects for” and inserting the following: “construction of—

“(1) projects for”; and

(3) by striking “may designate. With the consent” and inserting the following: “may designate; and

“(2) transportation projects associated with the economic redevelopment of real property that was the subject of a base closure.

“(b) USE OF APPORTIONED FUNDS.—With the consent”.

AMENDMENT No. 1383

On page 156, strike lines 18 through 24 and insert the following:

(1) in subsection (c), by striking “subsection (b)(1)” and inserting “subsections (b)(1) and (d)(3)(B)(ii)”;

(2) in subsection (d)—

(A) in paragraph (2), by striking “10” and inserting “8”; and

(B) in paragraph (3)—
 (i) in the first sentence of subparagraph (A), by striking “80” and inserting “82”; and
 (ii) in subparagraph (B)—
 (I) by striking “Of the amounts required to be” and inserting the following:
 “(i) IN GENERAL.—Of the amounts required to be”; and

(II) by adding at the end the following:
 “(ii) ROADS CLASSIFIED AS MINOR COLLECTORS.—Not more than 15 percent of the amounts required to be obligated under this subparagraph may be obligated for roads functionally classified as minor collectors.”; and

(3) in subsection (e)—

ABRAHAM AMENDMENT NO. 1384

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

On page 156, strike line 18 and insert the following:

(1) in subsection (b)(9), by striking “section 108(f)(1)(A) (other than clauses (xii) and (xvi)) of the Clean Air Act” and inserting “section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))”;

(2) in subsection (d)—

On page 156, line 24, strike “(2)” and insert “(3)”.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1385

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

On page 130, strike lines 19 through 22 and insert the following:

(4) in paragraph (3)—

(A) by inserting “or maintenance of the standard” after “standard”; and
 (B) by striking “or” at the end;

(5) in paragraph (4)—

(A) by inserting “or maintenance” after “attainment”; and

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

(6) by inserting after paragraph (4) the following:

“(5) to purchase mass transit vehicles or to construct mass transit facilities.”.

ABRAHAM AMENDMENT NO. 1386

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

At the end of the amendment add the following:

SEC. . BLOCK GRANT ACCOUNT.

Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund), as amended by section 901(d) of the Taxpayer Relief Act of 1997, is amended by adding at the end the following:

“(f) ESTABLISHMENT OF BLOCK GRANT ACCOUNT.—

“(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate account to be known as the ‘Block Grant Account’, consisting of such amounts as may be transferred or credited to the Block Grant Account as provided in this subsection or section 9602(b).

“(2) TRANSFERS TO BLOCK GRANT ACCOUNT.—
 “(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Block Grant Account the block grant portion of the

amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after September 30, 1997.

“(B) BLOCK GRANT PORTION.—For purposes of subparagraph (A), the term ‘block grant portion’ means an amount determined at the rate of .3 cent for each gallon with respect to which tax was imposed under section 4041 or 4081.

“(3) EXPENDITURES FROM ACCOUNT.—

“(A) IN GENERAL.—The applicable percentage of the amounts in the Block Grant Account shall be available, as provided by appropriation Acts, to each State for making expenditures after September 30, 1997, for projects which are or would otherwise be funded under the Intermodal Surface Transportation Efficiency Act of 1997.

“(B) APPLICABLE PERCENTAGE.—The applicable percentage for any State in any fiscal year is the State’s percentage of the total expenditures allocated to all States from the Highway Trust Fund (other than the Block Grant Account) for the preceding fiscal year.

“(C) ENFORCEMENT.—If the Secretary determines that a State has used funds under this paragraph for a purpose that is not described in subparagraph (A), the amount of the improperly used funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.”.

DOMENICI AMENDMENTS NOS. 1387–1394

(Ordered to lie on the table.)

Mr. DOMENICI submitted eight amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1387

Beginning on page 339, strike line 11 and all that follows through page 341, line 16, and insert the following:

“(ii) in cooperation with other Federal departments, agencies, and instrumentalities and multipurpose Federal laboratories; or

“(iii) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

“(C) TECHNICAL INNOVATION.—The Secretary shall develop and carry out programs to facilitate the application of such products of research and technical innovations as will improve the safety, efficiency, and effectiveness of the transportation system.

“(D) FUNDS.—

“(i) IN GENERAL.—Except as otherwise specifically provided in other sections of this chapter—

“(I) to carry out this subsection, the Secretary shall use—

“(aa) funds made available under section 541 for research, technology, and training; and

“(bb) such funds as may be deposited by any cooperating organization or person in a special account of the Treasury established for this purpose; and

“(II) the funds described in item (aa) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

“(ii) USE OF FUNDS.—The Secretary shall use funds described in clause (i) to develop, administer, communicate, and promote the use of products of research, development, and technology transfer programs under this section.

“(2) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

“(A) IN GENERAL.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

“(i) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State; and

“(ii) multipurpose Federal laboratories.

AMENDMENT NO. 1388

On page 385, line 13, strike “and” after the semicolon.

On page 385, line 17, strike the period and insert a semicolon.

On page 385, between lines 17 and 18, insert the following:

“(15) to promote the deployment of new intelligent transportation system technologies at international ports of entry into the United States to detect and deter illegal narcotic smuggling; and

“(16) to promote the deployment of intelligent transportation systems to expedite the movement of commercial cargo through international ports of entry into the United States.

AMENDMENT NO. 1389

On page 371, line 6, strike “and” after the semicolon.

On page 371, line 10, strike the period and insert “; and”.

On page 371, between lines 10 and 11, insert the following:

“(6) the development of new non-destructive bridge evaluation technologies and techniques.

AMENDMENT NO. 1390

At the appropriate place, insert the following:

SEC. . DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) COMMERCIAL ZONE DEFINED.—The term “commercial zone” means a zone containing lands adjacent to, and commercially a part of, 1 or more municipalities with respect to which the exception described in section 13506(b)(1) of title 49, United States Code, applies.

(b) DESIGNATION OF ZONE.—

(1) IN GENERAL.—The area described in paragraph (2) is designated as a commercial zone, to be known as the “New Mexico Commercial Zone”.

(2) DESCRIPTION OF AREA.—The area described in this paragraph is the area that is comprised of Dona Ana County and Luna County in New Mexico.

(c) SAVINGS PROVISION.—Nothing in this Act shall affect any action commenced, or pending before the Secretary of Transportation or Surface Transportation Board before the date of enactment of this Act.

AMENDMENT NO. 1391

On page 320, strike lines 11 and 12 and insert the following:

“(I) surface transportation safety;

“(J) infrastructure finance studies; or

“(K) development and testing of innovative technologies for bridge construction and nondestructive evaluation.

AMENDMENT NO. 1392

On page 98 line 13, insert “, and is projected to grow in the future,” after “103-182”.

On page 98 line 17, insert “, and is projected to grow,” after “grown”.

AMENDMENT NO. 1393

On page 389, line 4, insert "the national laboratories," after "universities,".

AMENDMENT NO. 1394

On page 122, line 6, strike "of the" and insert the following: "of—

(1) the";

On page 122, line 11, strike the period and insert "; and";

On page 122, between lines 11 and 12, insert the following:

(2)(A) Interstate Business Loop 35 in Santa Rosa, New Mexico, connecting United States Route 84 and United States Route 54 to Interstate Route 40;

(B) New Mexico Route 14 in Sante Fe, New Mexico, connecting Interstate Route 25 and United States Route 84; and

(C) United States Route 550 from Farmington, New Mexico, to Aztec, New Mexico.

BROWNBACK AMENDMENT NO. 1395

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

On page 156, strike lines 19 and 20 and insert the following:

(A) in paragraph (2)—

(i) by striking "ACTIVITIES.—10" and inserting the following: "ACTIVITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), 8"; and

(ii) by adding at the end the following:

"(B) WAIVER BY THE SECRETARY.—The Secretary may waive the application of subparagraph (A) with respect to a State upon receipt of a petition from the State requesting the waiver."; and

DOMENICI AMENDMENT NO. 1396

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 1173, supra; as follows:

On page 345, strike line 14 and insert the following: report required under section 5221(d) of title 49.

"(d) REVISED NATIONAL LABORATORY OVERHEAD RATES.—In connection with activities conducted under this section through a national laboratory, the Secretary of Energy shall establish a revised overhead rate that—

"(1) is commensurate with services of the national laboratory actually used by the Secretary of Transportation; and

"(2) does not reflect overhead charges associated with legacy wastes and security for nuclear operations or any other additional charges.".

BYRD (AND OTHERS) AMENDMENT NO. 1397

(Ordered to lie on the table.)

Mr. BYRD (for himself, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. AKAKA, Mr. ASHCROFT, Mr. BREAUX, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. CLELAND, Mr. COATS, Mr. COVERDELL, Mr. DEWINE, Mr. DORGAN, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. FORD, Mr. GRAMS, Mr. HARKIN, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. INHOFE, Mr. INOUE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, and Mr. SPEC-

TER) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

Strike the last word and insert the following:

SEC. 1128. GAS TAX HONESTY PROGRAM.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1 of each fiscal year, the Secretary shall apportion the funds authorized for the gas tax honesty program under this subsection among the States in the ratio that—

(A) the total of the apportionments to each State under section 104 of title 23, United States Code, and allocations to each State under section 105(a) of that title; bears to

(B) the total of all apportionments to all States under section 104 of that title and allocations to all States under section 105(a) of that title.

(2) ELIGIBLE PROJECTS.—A State may obligate funds authorized for the gas tax honesty program under this subsection for any project eligible for funding under section 133(b) of title 23, United States Code.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$5,370,000,000 for fiscal year 1999, \$5,471,000,000 for fiscal year 2000, \$5,573,000,000 for fiscal year 2001, \$5,676,000,000 for fiscal year 2002, and \$5,781,000,000 for fiscal year 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) TREATMENT OF APPORTIONMENTS.—Fifty percent of the amounts apportioned under paragraph (1) shall be subject to section 133(d) of title 23, United States Code.

(b) SPENDING ADJUSTMENT FOR HIGHWAY PROGRAMS.—

(1) IN GENERAL.—If—

(A) the baseline projections for the fiscal year 1999 budget resolution contain the savings in budget outlays for fiscal years 1998 through 2002 (as compared to budget outlay levels projected in the Balanced Budget Agreement) that are contained in the President's fiscal year 1998 midsession review; and

(B) the assumptions for the fiscal year 1999 budget resolution allow these outlay savings to be spent;

that resolution should ensure that any additional spending of these savings be used to fully fund the highway spending resulting from this Act, as modified by this section.

(2) MAXIMUM AMOUNT.—The amount of additional spending provided in the resolution shall not exceed the savings identified in paragraph (1)(A) for the applicable fiscal year.

(c) OTHER ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in lieu of the amounts authorized to be appropriated under section 1116(d)(5)—

(i) there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) \$50,000,000 for fiscal year 1999 and \$100,000,000 for each of fiscal years 2000 through 2003; and

(ii) there are authorized to be appropriated to carry out section 1116(d) \$125,000,000 for fiscal year 1998 and \$25,000,000 for each of fiscal years 1999 through 2003;

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in,

that amendment \$415,000,000 for fiscal year 1999, \$415,000,000 for fiscal year 2000, \$450,000,000 for fiscal year 2001, \$440,000,000 for fiscal year 2002, and \$480,000,000 for fiscal year 2003, except that the funds made available under this subparagraph—

(i) shall be subject to the obligation limitations established under section 1103 or any other provision of law; and

(ii) notwithstanding section 118(g)(1)(C)(v) of title 23, United States Code, shall be subject to subparagraphs (A) and (B) of section 118(g)(1) of that title; and

(C) in addition to the sums made available under section 1101(1), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Interstate and National Highway System program \$90,000,000 for each of fiscal years 1999 through 2003, which funds shall be allocated by the Secretary for projects described in subparagraphs (A), (B), and (C) of section 104(k)(1) of title 23, United States Code, to any State for which—

(i) the ratio that—

(I) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act (105 Stat. 2027), for the period of fiscal years 1992 through 1997; bears to

(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1992 through 1997;

is less than or equal to 1.00;

(ii) the ratio that—

(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this Act; bears to

(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003;

is less than or equal to 1.00, as of the date of enactment of this Act; and

(iii) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this Act, as of the date of enactment of this Act, is less than the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program allocations under the Intermodal Surface Transportation Efficiency Act of 1991, and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

(2) CONTRACT AUTHORITY.—Funds authorized under subparagraphs (A)(i) and (C) of paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that funds made available under paragraph (1)(C) shall remain available until expended.

(3) LIMITATION.—No obligation authority shall be made available for any amounts authorized under this subsection in any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Thursday, October 23, 1997, at 9 a.m.