

and receiving certification as a qualified child care professional are minimal, but understandably out of reach for many child care providers.

Think about it. At the most important time in the development of a child's brain, more than 12 million children are being cared for by people who are paid less than the person who picks up your garbage each week, are required to have less training than the person who cuts your hair, and less skill-based testing than the person delivering packages to your house. Child care providers play an important role in a child's development, for they help fine-tune the child's capacity to think and process information, social skills, emotional health, and acquisition of language.

That is why this resolution is so important. Good child care enables parents to work and maintain economic self-sufficiency—the goal of last year's welfare reform legislation. This resolution is a small step to increase the public's awareness of the need to support and recognize the vital work provided by child care professionals.

On April 24, 1998, I hope each of us will visit a child care center or family-based child care provider in our State. Lead efforts to celebrate the contributions that child care professionals make to our society, our economy, our families, and most of all—our children.

Mr. KENNEDY. I'd like to join Senator JEFFORDS in submitting the Senate resolution declaring the last Friday in April National Child Care Professional's Day.

Child care is a vital part of the fabric of the daily lives of millions of America families. The majority of children today have working parents who must find some way of ensuring that their children are safe and well-cared for during working hours.

Millions of children of all income levels are cared for by someone other than their parents. Each day, approximately 13 million children spend some or all of their day in some type of child care.

Research demonstrates that the quality of these settings makes a significant difference in children's health, safety and early learning. Yet far too many children are being cared for in poor quality settings that jeopardize their safety and development.

We know how to do it better, and it is long past time to start doing it. A sensible action plan includes better staff training, requiring basic health and safety protections, monitoring programs, informing parents, and improving staff salaries.

Today, Senator JEFFORDS, Senator DODD, Senator ROBERTS, and I are submitting a bipartisan Senate resolution to designate the last Friday in April every year as National Child Care Professional's Day, starting next April—April 24, 1998.

Child Care professionals are indispensable to the future of the Nation's children. Children deserve the best we can provide. Parents deserve the peace of

mind that comes with knowledge that their children are in safe, healthy surroundings that encourage, not undermine their development.

Quality child care is essential for healthy child growth and healthy child development. By honoring child care providers and the child care profession in this way, Congress will be taking a significant step toward giving them the stronger support and the greater encouragement and the higher priority they deserve.

## AMENDMENTS SUBMITTED

### THE INTERMODAL TRANSPORTATION ACT OF 1997

#### HUTCHINSON AMENDMENT NO. 1398

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him 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:

Beginning on page 91, strike line 21 and all that follows through page 103, line 10, and insert the following:

#### SEC. 1116. INTERNATIONAL TRADE CORRIDOR AND BORDER CROSSING PLANNING AND DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BORDER STATE.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(2) BORDER STATION.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(3) FEDERAL INSPECTION AGENCY.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(4) GATEWAY.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(5) INTERNATIONAL TRADE CORRIDOR.—

(A) IN GENERAL.—The term "international trade corridor" means a north-south corridor identified by the Secretary that—

(i) is of international trade significance and provides national economic benefits;

(ii) connects Mexico, the United States, and Canada;

(iii) provides intermodal connections;

(iv) accounts for a high percentage of truck-borne commodities moving interstate and internationally;

(v) directly benefits impoverished areas; and

(vi) connects military installations.

(B) DISCRETION.—To maintain flexibility and permit a targeted national approach, the

Secretary may exercise discretion in the application of the criteria under subparagraph (A).

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to pay the costs of feasibility studies, planning, location and routing studies, preliminary engineering and design, environmental reviews, final engineering, acquisition of rights-of-way, and construction as a supplement to funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) 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 \$1,400,000 for each of fiscal years 1998 through 2003.

(B) 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, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) INTERNATIONAL TRADE CORRIDOR GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international trade corridors or interstate trade corridors of national importance and to pay the costs of feasibility studies, planning, location and routing studies, preliminary engineering and design, environmental reviews, final engineering, acquisition of rights-of-way, and construction.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) COORDINATION OF PLANNING.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United

States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) 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 \$3,000,000 for each of fiscal years 1998 through 2003.

(B) 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, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF.—

(1) APPLICATIONS FOR GRANTS.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

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

(3) USE OF GRANTS.—

(A) IN GENERAL.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) TYPE OF PLANS AND PROGRAMS.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than \$10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(e) COORDINATION OF PLANNING.—

(1) PLANNING AND DEVELOPMENT OF BORDER STATIONS.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) COOPERATIVE ACTIVITIES.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) COST SHARING.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds \$4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (b), (c), and (d) \$125,000,000 for each of fiscal years 1998 through 2003.

SANTORUM AMENDMENT NO. 1399

(Ordered to lie on the table.)

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

At the end add the following:

**SEC. —. GRANT-BACKED TRANSPORTATION FINANCE.**

(a) SHORT TITLE.—This section may be cited as the "Grant-Backed Transportation Finance Act of 1997".

(b) FINDINGS.—Congress finds the following:

(1) The economic vitality of the Nation and the quality of life of its citizens depend on increased investment in transportation infrastructure for the movement of people and goods, including highways, roads, and bridges and transit and airport equipment and facilities.

(2) Improving mobility will increase productivity and competitiveness, strengthen the Nation's capacity for noninflationary economic growth, and contribute to environmental quality.

(3) The Nation's need to build, maintain, and reconstruct transportation facilities, and to provide additional transportation infrastructure investment in both rural and urban areas, exceeds available resources under traditional funding programs.

(4) User fees can finance transportation facilities efficiently and equitably over the useful lives of these capital assets.

(5) Recent Federal initiatives are helping States innovatively finance capital investment in transportation facilities.

(6) Grant-backed financing is an innovative way to finance transportation infrastructure that uses future Federal transportation payments to pay debt service or to credit enhance State transportation financings, prudently leveraging limited Federal, State, local, and public-private partnership resources to meet critical transportation investment needs.

(7) Bonds with grant-backed financing could be issued or credit enhanced by a limited-purpose State entity and secured with the State's assignment of its formula grant payments from the Highway or Mass Transit Accounts of the Highway Trust Fund or the Airport and Airway Trust Fund to the limited-purpose entity which shall first apply such funds to pay principal and interest on grant financed bonds issued by the limited-purpose entity, or to fund credit enhancements for bonds secured with other State, local, or public-private revenues, and, then, transfer the remaining funds to the State.

(8) Grant-backed financing enables State and local governments and their transportation agencies, authorities, and infrastructure banks to benefit immediately from the State's future authorized Federal transportation grants.

(9) With grant-backed financing State and local governments could—

(A) start and complete transportation infrastructure projects years sooner than using traditional programs, putting new and rehabilitated transportation facilities in use more quickly;

(B) avoid project inflation costs;

(C) reduce the interest and credit enhancement costs of borrowing; and

(D) accelerate project-generated economic activity.

(c) STATE ELECTION TO PROVIDE GRANT-BACKED TRANSPORTATION FINANCING.—

(1) IN GENERAL.—If a State makes an election described in paragraph (2) with respect to any portion of the amounts payable to the State from the Highway or Mass Transit Accounts of the Highway Trust Fund or the Airport and Airway Trust Fund as authorized by title 23 or 49, United States Code, the Secretary of the Treasury shall deposit such

portion in a designated account in the name of the limited-purpose entity designated in such election for the fiscal year with respect to which such election is made and for each succeeding fiscal year until such limited-purpose entity's bonds, together with the interest thereon, or credit enhancements provided by such limited-purpose entity on other State, local, or public-private bonds have been fully met and discharged.

(2) ELECTION DESCRIBED.—

(A) IN GENERAL.—An election described in this paragraph is an irrevocable election made by a State (in such form and manner as determined by the Secretary of the Treasury) by which the State, in its sole discretion and at its sole liability, designates a portion of amounts described in paragraph (1) for deposit in a designated account to be used by a limited-purpose entity described in subparagraph (B) only for purposes described in subparagraph (C).

(B) LIMITED-PURPOSE ENTITY DESCRIBED.—A limited-purpose entity described in this subparagraph is an entity designated in the election and enabled by the State only—

(i) to receive funds from the Highway or Mass Transit Accounts of the Highway Trust Fund or the Airport and Airway Trust Fund;

(ii) to issue up to a specified amount of bonds secured by those funds or to fund up to a specified amount of credit enhancements for bonds secured with other State, local, or public-private revenues, or both; and

(iii) to enter into agreements with the State governing the disbursement of the proceeds of bonds issued by such limited-purpose entity.

(C) PURPOSES DESCRIBED.—Purposes described in this subparagraph for funds received under an election under this subsection are—

(i) to pay any principal and interest due on prior outstanding bonds secured in whole or in part with Federal formula grant payments;

(ii) to pay any principal and interest due on such bonds issued by the limited-purpose entity, and to fund any reserves or other credit enhancements established in connection with limited-purpose entity bonds or other State, local, or public-private bonds; and

(iii) thereafter to be used by such State as it determines.

(d) NO FEDERAL GUARANTEE OF BONDS.—Bond issues supported in whole or in part by Federal payments subject to an election described in subsection (c)(2) shall not be considered subject to either a direct or indirect Federal guarantee for the purposes of section 149(b) of the Internal Revenue Code of 1986. Nor shall the exercise of State discretion irrevocably designating a specific State account in the name of a limited-purpose entity for receipt of Federal transportation payments under an election described in subsection (c)(2) be considered either a direct or indirect Federal guarantee for the purposes of such section 149(b).

(e) NO FEDERAL REMEDY FOR BOND-HOLDERS.—No bondholder of a bond described in subsection (d) shall have any right or remedy against the Federal Government. Neither a State pledge, the pledge of a State entity, nor the exercise of State discretion irrevocably designating a specific State account in the name of a limited-purpose entity for receipt of Federal transportation payments shall shift liability for any grant, bond principal, interest, premium, or other payment to the Federal Government.

(f) RESEARCH AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall—

(A) complete an analysis and make a report of such analysis to Congress and the

States of the availability and potential impact of grant-backed financing based on revenue dedicated to the Mass Transit Account of the Highway Trust Fund and the Airport and Airway Trust Fund; and

(B) select at least 6 State, local, or public-private partnership highway, road, bridge, transit, or airport bond financings, including at least 1 financing by a State infrastructure bank established under section 350 of the National Highway System Designation Act of 1995 (Public Law 104-59), to receive technical assistance and to encourage elections under subsection (c) with respect to such financings.

(2) REPORTS.—The Secretary of Transportation shall provide a biennial report on the use of grant-backed financing to the Committee on Transportation and Infrastructure in the House of Representatives and the Committee on Environment and Public Works in the Senate. Such report shall describe the pilot projects selected under paragraph (1)(B), the elections made under subsection (c), and specify any actions Congress or the Secretary of Transportation can take to facilitate the use of grant-backed financing.

BOND AMENDMENTS NOS. 1400-1401

(Ordered to lie on the table.)

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

AMENDMENT No. 1400

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

**SEC. 14. SENSE OF SENATE CONCERNING LONGER COMBINATION VEHICLES.**

(a) FINDINGS.—Congress finds that—

(1) section 127(d) of title 23, United States Code, contains a prohibition that took effect on June 1, 1991, concerning the operation of certain longer combination vehicles, including certain double-trailer and triple-trailer trucks;

(2) reports on the results of recent studies conducted by the Federal Government describe, with respect to longer combination vehicles—

(A) problems with the adequacy of rearward amplification braking;

(C) the difficulty in making lane changes; and

(D) speed differentials that occur while climbing or accelerating; and

(3) surveys of individuals in the United States demonstrate that an overwhelming majority of residents of the United States oppose the expanded use of longer combination vehicles.

(b) LONGER COMBINATION VEHICLE DEFINED.—In this section, the term "longer combination vehicle" has the meaning given that term in section 127(d)(4) of title 23, United States Code.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the prohibitions and restrictions under section 127(d) of title 23, United States Code, as in effect on the date of enactment of this Act, should not be amended so as to result in any less restrictive prohibition or restriction.

AMENDMENT No. 1401

On page 95, strike lines 9 through 14 and insert the following:

along and within international or interstate trade corridors of national importance (including the international trade corridor designated under subparagraph (C)).

(B) IDENTIFICATION OF CORRIDORS.—Subject to subparagraph (C), each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(C) DESIGNATION OF CORRIDOR.—For purposes of subparagraph (A), the Interstate Route 35 Corridor from Laredo, Texas, through Oklahoma City, Oklahoma, to Wichita, Kansas, to Kansas City, Kansas/Missouri, to Des Moines, Iowa, to Minneapolis, Minnesota, to Duluth, Minnesota is designated as an international trade corridor of national importance.

BOND (AND BREAUX) AMENDMENT NO. 1402

(Ordered to lie on the table.)

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

Beginning on page 181, strike line 20 and all that follows through page 183, line 23, and insert the following:

processes. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

"(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the terminals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with paragraph (2).

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

"(Q) Publicly owned components of magnetic levitation transportation systems."

**SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.**

Section 133(b) of title 23, United States Code, (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting ", including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail";

(2) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: ", and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);";

(3) in paragraph (4)—

(A) by inserting ", publicly owned passenger rail," after "Highway";

(B) by inserting "infrastructure" after "safety"; and

(C) by inserting before the period at the end the following: ", and any other noninfrastructure highway safety improvements";

(4) in paragraph (11)—

(A) in the first sentence—

(i) by inserting "natural habitat and" after "participation in" each place it appears;

(ii) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(iii) by inserting "natural habitat and" before "wetlands conservation"; and

(B) by adding at the end the following: "With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has and impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations)."; and

#### JEFFORDS AMENDMENTS NOS. 1403-1410

(Ordered to lie on the table.)

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

##### AMENDMENT No. 1403

On page 247, strike line 3 and insert the following:

**SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.** Section 131(d) of title 23, United States Code, is amended—

(1) by striking "(d) In" and inserting the following:

"(d) INDUSTRIAL AND COMMERCIAL AREAS.—

"(1) IN GENERAL.—In"; and

(2) by adding at the end the following:

"(2) LIMITATION ON NEW SIGNS.—

"(A) IN GENERAL.—Subject to this paragraph, no new sign, display, or device may be erected under paragraph (1) after the date of enactment of this paragraph.

"(B) EXCEPTION.—

"(i) IN GENERAL.—Subject to clause (ii), a State may permit a person, at the person's option, to erect in the State a sign, display, or device in accordance with the requirements of paragraph (1) upon removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection.

"(ii) STATEWIDE LIMITATION.—The total number of signs, displays, and devices erected and maintained under this subsection in a State shall not exceed the total number of signs, displays, and devices lawfully erected before the date of enactment of this paragraph under this subsection in the State and in existence on that date.".

##### Subtitle F—Planning

##### AMENDMENT No. 1404

On page 247, between lines 2 and 3, insert the following:

**SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.**

Section 131(d) of title 23, United States Code, is amended in the first sentence by striking ", or in unzoned" and all that follows through "Secretary".

##### AMENDMENT No. 1405

On page 247, between lines 2 and 3, insert the following:

**SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.**

Section 131 of title 23, United States Code, is amended—

(1) by redesignating subsection (t) as subsection (u); and

(2) by inserting after subsection (s) the following:

"(t) LIMITATION ON VEGETATION REMOVAL.—For the purpose of subsection (b), a State

shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices if the State carries out or permits the removal of vegetation in, or other alteration of, a right-of-way referred to in subsection (b) for the purpose of improving the visibility of any outdoor advertising sign, display, or device located outside the right-of-way.".

##### AMENDMENT No. 1406

On page 247, between lines 2 and 3, insert the following:

**SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.** Section 131 of title 23, United States Code, is amended—

(1) in subsection (d)—

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

"(d) INDUSTRIAL AND COMMERCIAL AREAS.—

"(1) IN GENERAL.—In"; and

(B) by adding at the end the following:

"(2) APPLICABILITY OF JUST COMPENSATION REQUIREMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), just compensation under subsection (g) shall not be paid on the removal of any sign, display, or device lawfully erected under State law after the date of enactment of this paragraph.

"(B) EXCEPTION.—A State may permit a person, at the person's option, to erect in the State a sign, display, or device in accordance with the requirements of paragraph (1) on removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection.".

(2) in the first sentence of subsection (g), by striking "and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section" and inserting "and removed under this section"; and

(3) in subsection (k), by striking "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" and inserting "Nothing".

##### AMENDMENT No. 1407

On page 247, between lines 2 and 3, insert the following:

**SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.** Section 131 of title 23, United States Code, is amended—

(1) by redesignating subsection (t) as subsection (u); and

(2) by inserting after subsection (s) the following:

"(t) STATE INVENTORY OF OUTDOOR ADVERTISING SIGNS, DISPLAYS, AND DEVICES.—

"(1) REQUIREMENT.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices unless the State maintains, and annually submits to the Secretary, an inventory of all outdoor advertising signs, displays, and devices in the State for which the effective control is required under this section, including a specification of whether each sign, display, or device is illegal, non-conforming, or conforming under State law.

"(2) STATE SCENIC BYWAYS.—The State inventory required by paragraph (1) shall identify each sign, display, or device described in paragraph (1) that is located along a highway on the Interstate System or Federal-aid primary system designated as a scenic byway under a program of the State described in subsection (s).

"(3) USE OF STATE INVENTORIES.—The Secretary shall use the State inventories submitted under this subsection to carry out this section.".

##### AMENDMENT No. 1408

On page 247, between lines 2 and 3, insert the following:

**SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.**

Section 131 of title 23, United States Code, is amended—

(1) in subsection (d)—

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

"(d) INDUSTRIAL AND COMMERCIAL AREAS.—

"(1) IN GENERAL.—In";

(B) in the first sentence of paragraph (1) (as so designated), by striking ", or in unzoned" and all that follows through "Secretary"; and

(C) by adding at the end the following:

"(2) LIMITATION ON NEW SIGNS.—

"(A) IN GENERAL.—Subject to this paragraph, no new sign, display, or device may be erected under paragraph (1) after the date of enactment of this paragraph.

"(B) APPLICABILITY OF JUST COMPENSATION REQUIREMENTS.—Except as provided in subparagraph (C), just compensation under subsection (g) shall not be paid upon the removal of any sign, display, or device lawfully erected under State law after the date of enactment of this paragraph.

"(C) EXCEPTION.—

"(i) IN GENERAL.—Subject to clause (ii), a State may permit a person, at the person's option, to erect in the State a sign, display, or device in accordance with the requirements of paragraph (1) upon removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection.

"(ii) STATEWIDE LIMITATION.—The total number of signs, displays, and devices erected and maintained under this subsection in a State shall not exceed the total number of signs, displays, and devices lawfully erected before the date of enactment of this paragraph under this subsection in the State and in existence on that date.".

(2) in the first sentence of subsection (g), by striking "and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section" and inserting "and removed under this section";

(3) in subsection (k), by striking "Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" and inserting "Nothing";

(4) by redesignating subsection (t) as subsection (v); and

(5) by inserting after subsection (s) the following:

"(t) STATE INVENTORY OF OUTDOOR ADVERTISING SIGNS, DISPLAYS, AND DEVICES.—

"(1) REQUIREMENT.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices unless the State maintains, and annually submits to the Secretary, an inventory of all outdoor advertising signs, displays, and devices in the State for which the effective control is required under this section, including a specification of whether each sign, display, or device is illegal, or nonconforming, or conforming under State law.

"(2) STATE SCENIC BYWAYS.—The State inventory required by paragraph (1) shall identify each sign, display, or device described in paragraph (1) that is located along a highway on the Interstate System or Federal-aid primary system designated as a scenic byway under a program of the State described in subsection (s).

"(3) USE OF STATE INVENTORIES.—The Secretary shall use the State inventories submitted under this subsection to ensure compliance with subsection (d)(2)(C)(ii) and to carry out this section.

“(u) LIMITATION ON VEGETATION REMOVAL.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices if the State carries out or permits the removal of vegetation in, or other alteration of, a right-of-way referred to in subsection (b) for the purpose of improving the visibility of any outdoor advertising sign, display, or device located outside the right-of-way.”

## AMENDMENT NO. 1409

On page 247, between lines 2 and 3, insert the following:

**SEC. 1504. CONTROL OF OUTDOOR ADVERTISING.**

Section 131 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking “(d) In” and inserting the following:

“(d) INDUSTRIAL AND COMMERCIAL AREAS.—

“(1) IN GENERAL.—In”; and

(B) by adding at the end the following:

“(2) APPLICABILITY OF JUST COMPENSATION REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), just compensation under subsection (g) shall not be paid on the removal of any sign, display, or device lawfully erected under State law after the date of enactment of this paragraph.

“(B) EXCEPTION.—A State may permit a person, at the person’s option, to erect in the State a sign, display, or device in accordance with the requirements of paragraph (1) on removal without payment of just compensation under subsection (g) of a sign, display, or device lawfully erected under this subsection.”;

(2) in the first sentence of subsection (g), by striking “and not permitted under subsection (c) of this section, whether or not removed pursuant to or because of this section” and inserting “and removed under this section”;

(3) in subsection (k), by striking “Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing” and inserting “Nothing”

(4) by redesignating subsection (t) as subsection (v); and

(5) by inserting after subsection (s) the following:

“(t) STATE INVENTORY OF OUTDOOR ADVERTISING SIGNS, DISPLAYS, AND DEVICES.—

“(1) REQUIREMENT.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising signs, displays, and devices unless the State maintains, and annually submits to the Secretary, an inventory of all outdoor advertising signs, displays, and devices in the State for which the effective control is required under this section, including a specification of whether each sign, display, or device is illegal, nonconforming, or conforming under State law.

“(2) STATE SCENIC BYWAYS.—The State inventory required by paragraph (1) shall identify each sign, display, or device described in paragraph (1) that is located along a highway on the Interstate System or Federal-aid primary system designated as a scenic byway under a program of the State described in subsection (s).

“(3) USE OF STATE INVENTORIES.—The Secretary shall use the State inventories submitted under this subsection to carry out this section.

“(u) LIMITATION ON VEGETATION REMOVAL.—For the purpose of subsection (b), a State shall not be considered to have made provision for effective control of the erection and maintenance of outdoor advertising

signs, displays, and devices if the State carries out or permits the removal of vegetation in, or other alteration of, a right-of-way referred to in subsection (b) for the purpose of improving the visibility of any outdoor advertising sign, display, or device located outside the right-of-way.”

## AMENDMENT NO. 1410

On page 414, strike line 22 and insert the following:  
U.S.C. 307 note; 105 Stat. 2189).

**SEC. 2105. RAIL AND PORT ACCESS MODERNIZATION.**

(a) FINDINGS.—Congress finds that—

(1) the growth of commerce in northern New England is hampered by a decaying rail infrastructure;

(2) during the 5-year period beginning on the date of enactment of this Act, international trade shipping is projected to increase by more than 20 percent;

(3) in the shipping industry, there is a widespread international trend for shippers to use only ports with double-stack rail access;

(4) aging rail lines and constricted passage in older industrial States are—

(A) limiting the movement of cargo and individuals throughout that area; and

(B) restricting access to deepwater ports; and

(5) improving rail lines and double-stack freight rail passage to allow rail connections to and through other States and provinces will enable the economy of the older industrial region to grow and prosper by bringing new industry into the region that will result in growth in high wage jobs.

(b) DEFINITIONS.—In this section:

(1) FUND.—The term “Fund” means the Older Industrial Rail Modernization and Port Access Fund established by subsection (c)(7).

(2) OLDER INDUSTRIAL REGION.—The term “older industrial region” means the northeastern area of the United States.

(3) OLDER INDUSTRIAL STATE.—The term “older industrial State” means—

(A) Vermont;

(B) Maine; and

(C) New Hampshire.

(4) RAIL PROJECT.—The term “rail project” means a project for the acquisition, rehabilitation, or improvement of railroad facilities or equipment, as described in section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831).

(5) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(c) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—

(A) GRANTS.—Subject to the availability of appropriations, the Secretary shall make a grant under this subsection to each older industrial State that submits an application to the Secretary that demonstrates, to the satisfaction of the Secretary, a need for assistance under this subsection in carrying out 1 or more transportation projects described in paragraph (2), (3), (4), or (5) that are necessary to improve rail transport in that State.

(B) GRANT AGREEMENT.—The Secretary shall enter into a grant agreement with each older industrial State that receives a grant under this subsection. At a minimum, the agreement shall specify that the grant recipient will meet the applicable requirements of this section, including the cost-sharing requirement under paragraph (6)(B).

(2) GRANTS FOR PORT ACCESS.—The Secretary shall make grants under this subsection for the purposes of connecting all railroads to ports and ensuring that double-stack rail cars can travel freely throughout older industrial States.

(3) GRANTS FOR BRIDGE AND TUNNEL OBSTRUCTION REPAIR AND REPLACEMENT.—The

Secretary shall make grants under this subsection for the purpose of enlarging tunnels and embankments, removing, repairing, or replacing bridges or other obstructions that inhibit the free movement of freight or passenger rail cars and the use of double-stack rail cars.

(4) GRANTS FOR REPAIR OF RAILROAD BEDS.—The Secretary shall make grants under this subsection for the purposes of repairing, upgrading, and purchasing railbeds and tracks, including improving safety of all railroad tracks.

(5) GRANTS FOR DEVELOPMENT OF INTERMODAL FACILITIES.—The Secretary shall make grants under this subsection for the purposes of constructing, operating, and maintaining train maintenance facilities and facilities for the transfer of goods and individuals between other transportation modes, including—

(A) intermodal truck-train transfer facilities;

(B) passenger rail stations; and

(C) bulk fuel transfer facilities.

(6) FUNDING LIMITATIONS ON EXPENDITURES OF FUNDS.—

(A) FUNDING.—The grants made under this subsection shall be made with funds transferred from the Fund.

(B) COST-SHARING.—

(i) IN GENERAL.—A grant made under this subsection shall be used to pay the Federal share of the cost of a project conducted under a grant agreement.

(ii) FEDERAL SHARE.—The Federal share of the cost of a project referred to in clause (i) shall be 80 percent of the cost of the project.

(C) ALLOCATION AMONG STATES.—

(i) IN GENERAL.—For each of fiscal years 1998 through 2001, the Secretary shall, in making grants under this subsection, allocate available amounts in the Fund among older industrial States in accordance with a formula established by the Secretary in accordance with clause (ii).

(ii) ALLOCATION FORMULA.—In making grants under this subsection, for each of the fiscal years specified in clause (i), the Secretary shall allocate an equal amount of the amounts available from the Fund to each of the older industrial States that submits 1 or more grant applications that meet the requirements of this subsection.

(7) OLDER INDUSTRIAL RAIL MODERNIZATION AND PORT ACCESS FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the “Older Industrial Rail Modernization and Port Access Fund”. The Fund shall consist of—

(i) such amounts as are appropriated to the Fund; and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (B).

(B) INVESTMENT OF FUND.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet then current withdrawals. Those investments may be made only in interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States. For that purpose, those obligations may be acquired—

(I) on original issue at the issue price, or

(II) by purchase of outstanding obligations at the market price.

(ii) SALE OF OBLIGATION.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price. The special obligations may be redeemed at par plus accrued interest.

(iii) CREDITS TO FUND.—The interest on, and the proceeds from, the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(C) TRANSFERS FROM FUND.—The Secretary of the Treasury shall, on the request of the Secretary of Transportation, transfer from the Fund to the Secretary of Transportation, any amounts that the Secretary of Transportation determines to be necessary to carry out the grant program under this subsection.

(D) ADMINISTRATIVE EXPENSES.—Not more than 1 percent of the amounts in the Fund may be used by the Secretary of Transportation to cover administrative expenses for carrying out the grant program under this subsection.

(8) APPLICABILITY OF TITLE 23.—Except as otherwise provided in this subsection, funds made available to an older industrial State under this subsection shall be available for obligation in the manner provided for funds apportioned under chapter 1 of title 23, United States Code.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Fund to carry out this subsection \$65,000,000 for each of fiscal years 1998 through 2001.

(B) AVAILABILITY OF FUNDS.—The amounts appropriated pursuant to this paragraph shall remain available for obligation until the end of the third fiscal year following the fiscal year for which the amounts are appropriated.

(d) RAILROAD LOAN AND ASSISTANCE PROGRAM.—

(1) PURPOSE.—The purpose of this subsection is to provide assistance for rail projects in older industrial States.

(2) ISSUANCE OF OBLIGATIONS.—The Secretary shall issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 832), in such amounts, and at such times, as may be necessary, during the period that the guaranteed obligation is outstanding, to—

(A) pay any amounts required pursuant to the guarantee of the principal amount of an obligation under section 511 of that Act (45 U.S.C. 831) for any eligible rail project described in paragraph (3); and

(B) meet the applicable requirements of this subsection and sections 511 and 513 of that Act (45 U.S.C. 832 and 833).

(3) ELIGIBILITY.—A rail project that is eligible for assistance under this subsection is a rail project—

(A) for a railroad that is located in an older industrial State; and

(B) that promotes the mobility of goods and individuals.

(4) LIMITATION.—Notwithstanding any other provision of law, the aggregate unpaid principal amounts of obligations that may be guaranteed by the Secretary under this subsection may not exceed \$50,000,000 during any of fiscal years 1998 through 2001.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Transportation, to be used by the Secretary to make guarantees under this subsection, \$5,000,000 for each of fiscal years 1998 through 2001.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress and the Governor of each older industrial State a report concerning the rehabilitation of the rail infrastructure of older industrial States.

GRAHAM AMENDMENT NO. 1411

(Ordered to lie on the table.)

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

On page 30, line 1, strike “and”.

On page 30, line 13, strike the period at the end and insert “; and”.

On page 30, between lines 13 and 14, insert the following:

“(C) for each of fiscal years 1998 through 2003, a State’s total apportionments described in subclauses (I) and (II) of subparagraph (A)(i) for the fiscal year is not less than 90 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than Mass Transit Account) in the latest fiscal year in which data is available.”.

On page 5, line 8, insert “(a) IN GENERAL.—” before “For”.

On page 7, between lines 20 and 21, insert the following:

(b) REDUCTION OF SUMS.—Notwithstanding subsection (a), the sums made available under subsection (a) shall be reduced on a pro rata basis by the amount necessary to offset the budgetary impact resulting from adoption of this amendment.

On page 5, line 8, insert “(a) IN GENERAL.—” before “For”.

On page 7, between lines 20 and 21, insert the following:

(b) EFFECT OF INCREASED AVAILABLE AMOUNTS.—The increased funding levels provided by this amendment shall not take effect unless the amounts made available under subsection (a) are increased above the levels of those amounts in the modified Committee amendment filed in the Senate on October 8, 1997.

LAUTENBERG (AND DEWINE)  
AMENDMENT NO. 1412

(Ordered to lie on the table.)

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

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

**SEC. 14. NATIONAL STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

**“§154. National standard to prohibit operation of motor vehicles by intoxicated individuals**

“(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

“(1) FISCAL YEAR 2001.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2000, if the State does not meet the requirements of paragraph (3) on that date.

“(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

“(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that considers an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State to be driving—

“(A) while intoxicated; or

“(B) under the influence of alcohol.

“(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

“(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

“(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

“(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

“(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

“(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

“(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

“(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

“(i) lapse; or

“(ii) in the case of funds apportioned under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.

“(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (a)(3), the funds shall—

“(A) lapse; or

“(B) in the case of funds withheld from apportionment under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

“154. National standard to prohibit operation of motor vehicles by intoxicated individuals.”.

LAUTENBERG AMENDMENT NO.  
1413

(Ordered to lie on the table.)

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

Strike pages 257 through 263 and insert the following:

“implemented, indicates total resources from public and private sources that are reasonably expected to be available to carry out the plan and recommends any additional financing strategies for needed projects and programs.

“(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a

long-range transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before adopting a long-range transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to commit on the long-range transportation plan.

"(5) PUBLICATION OF LONG-RANGE TRANSPORTATION PLAN.—Each long-range transportation plan prepared by a metropolitan planning organization shall be—

"(A) published or otherwise made readily available for public review; and

"(B) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

"(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

"(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) CONTENTS.—The transportation improvement program shall include—

"(A) a list, in order of priority, of proposed federally supported projects and strategies to be carried out within each 3-year-period after the initial adoption of the transportation improvement program; and

"(B) a financial plan that—

"(i) demonstrates how the transportation improvement program can be implemented;

"(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program; and

"(iii) identifies innovates financing techniques to finance projects, programs, and strategies.

"(3) INCLUDED PROJECTS.—

"(A) Chapter 1 and chapter 53 projects.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of this title shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of this title that

are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

"(i) by—

"(I) in the case of projects under chapter 1, the State; and

"(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project of higher priority in the program, except where either such project is relevant to a determination of conformity with the Clean Air Act, nor shall any such action be required to change the indicated source of funding for any project.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) DESIGNATION.—

"(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

"(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and any affected public transit operator.

"(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and exist".

#### HOLLINGS AMENDMENTS NOS. 1414-1415

(Ordered to lie on the table.)

Mr. HOLLINGS submitted two amendments intended to be proposed

by him to the bill, S. 1173, supra; as follows:

#### AMENDMENT NO. 1414

On page 235, beginning with line 18, strike through line 16 on page 236.

#### AMENDMENT NO. 1415

On page 229, beginning with line 8, strike through line 17 on page 235.

#### HOLLINGS (AND McCAIN) AMENDMENT NO. 1416

(Ordered to lie on the table.)

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

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 and 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.

#### 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. Amendments 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 hospitality 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) .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 purposes 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:

“(I) 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 eligi-

bility 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—

(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.

### 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) by 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, or

“(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 if 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 enter-

prise;” 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 (i)(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 material.”.

**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, or 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:

“(l) 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 before 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.";

(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 traf-

fic 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 in 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 participa-

tion 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;

“(7) how one-call notification systems address the need for rapid response to situations where the need to excavate is urgent;

“(8) the extent to which accidents occur due to errors in marking of underground facilities, untimely marking or errors in the excavation process after a one-call notification system has been notified of an excavation;

“(9) the extent to which personnel engaged in marking underground facilities may be endangered;

“(10) the characteristics of damage prevention programs the Secretary believes could be relevant to the effectiveness of State one-call notification programs; and

“(11) the effectiveness of penalties and enforcement activities under State one-call notification programs in obtaining compliance with program requirements.

“(c) REPORT.—Within 1 year after the date of the enactment of the Intermodal Transportation Safety Act of 1997, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

“(1) preventing damage to underground facilities; and

“(2) providing effective and efficient service to excavators and underground facility operators.

The Secretary shall encourage States and operators of one-call notification programs to adopt and implement the most successful practices identified in the report.

“(d) SECRETARIAL DISCRETION.—Prior to undertaking the study described in subsection (a), the Secretary shall determine whether timely information described in subsection (b) is readily available. If the Secretary determines that such information is readily available, the Secretary is not required to carry out the study.

#### “§ 6106. Grants to States

“(a) IN GENERAL.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

“(1) the overall quality and effectiveness of one-call notification systems in the State;

“(2) communications systems linking one-call notification systems;

“(3) location capabilities, including training personnel and developing and using location technology;

“(4) record retention and recording capabilities for one-call notification systems;

“(5) public information and education;

“(6) participation in one-call notification systems; or

“(7) compliance and enforcement under the State one-call notification program.

“(b) STATE ACTION TAKEN INTO ACCOUNT.—In making grants under this section the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of the Intermodal Transportation Safety Act of 1997.

“(c) FUNDING FOR ONE-CALL NOTIFICATION SYSTEMS.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

#### “§ 6107. Authorization of appropriations

“(a) FOR GRANTS TO STATES.—There are authorized to be appropriated to the Secretary in fiscal year 1999 no more than \$1,000,000 and in fiscal year 2000 no more than \$5,000,000, to be available until expended, to provide grants to States under section 6106.

“(b) FOR ADMINISTRATION.—There are authorized to be appropriated to the Secretary

such sums as may be necessary during fiscal years 1998, 1999, and 2000 to carry out sections 6103, 6104, and 6105.

“(c) GENERAL REVENUE FUNDING.—Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.”

#### (b) CONFORMING AMENDMENTS.—

(1) The analysis of chapters for subtitle III is amended by adding at the end thereof the following:

#### “CHAPTER 61—ONE-CALL NOTIFICATION PROGRAM”.

(2) Chapter 601 of title 49, United States Code, is amended—

(A) by striking “sections 60114 and” in section 60105(a) of that chapter and inserting “section”;

(B) by striking section 60114 and the item relating to that section in the table of sections for that chapter;

(C) by striking “60114(c), 60118(a),” in section 60122(a)(1) of that chapter and inserting “60118(a),”;

(D) by striking “60114(c) or” in section 60123(a) of that chapter;

(E) by striking “sections 60107 and 60114(b)” in subsections (a) and (b) of section 60125 and inserting “section 60107” in each such subsection; and

(F) by striking subsection (d) of section 60125, and redesignating subsections (e) and (f) of that section as subsections (d) and (e).

#### TITLE IV—MOTOR CARRIER SAFETY

##### SEC. 401. STATEMENT OF PURPOSE.

Chapter 311 is amended—

(1) by inserting before section 31101 the following:

#### “§ 31100. Purpose

“The purposes of this subchapter are—

“(1) to improve commercial motor vehicle and driver safety;

“(2) to facilitate efforts by the Secretary, States, and other political jurisdictions, working in partnership, to focus their resources on strategic safety investments;

“(3) to increase administrative flexibility;

“(4) to strengthen enforcement activities;

“(5) to invest in activities related to areas of the greatest crash reduction;

“(6) to identify high risk carriers and drivers; and

“(7) to improve information and analysis systems.”; and

(2) by inserting before the item relating to section 31101 in the chapter analysis for chapter 311 the following:

#### “§ 31100. Purposes”.

##### SEC. 402. GRANTS TO STATES.

(a) PERFORMANCE-BASED GRANTS.—Section 31102 is amended—

(1) by inserting “improving motor carrier safety and” in subsection (a) after “programs for”; and

(2) by striking “adopt and assume responsibility for enforcing” in the first sentence of paragraph (b)(1) and inserting “assume responsibility for improving motor carrier safety and to adopt and enforce”.

(b) HAZARDOUS MATERIALS.—Section 31102 is amended—

(1) by inserting a comma and “hazardous materials transportation safety,” after “commercial motor vehicle safety” in subsection (a); and

(2) by inserting a comma and “hazardous materials transportation safety,” in the first sentence of subsection (b) after “commercial motor vehicle safety”.

(c) CONTENTS OF STATE PLANS.—Section 31102(b)(1) is amended—

(1) by redesignating subparagraphs (A) through (Q) as subparagraphs (B) through (R), respectively;



(2) by inserting before subparagraph (B), as redesignated, the following:

“(A) implements performance-based activities by fiscal year 2000;”

(3) by inserting “(I)” in subparagraph (K), as redesignated, after “(c)”; and

(4) by striking subparagraphs (L), (M), and (N) as redesignated, and inserting the following:

“(L) ensures consistent, effective, and reasonable sanctions;

“(M) ensures that the State agency will coordinate the plan, data collection, and information systems with the State highway safety programs under title 23;

“(N) ensures participation in SAFETYNET by all jurisdictions receiving funding;”

(6) by striking “activities—” in subparagraph (P), as redesignated, and inserting “activities in support of national priorities and performance goals including—”;

(7) by striking “to remove” in clause (i) of subparagraph (P), as redesignated, and inserting “activities aimed at removing”; and

(8) by striking “to provide” in clause (ii) of subparagraph (P), as redesignated, and inserting “activities aimed at providing”.

#### SEC. 403. FEDERAL SHARE.

Section 31103 is amended—

(1) by inserting before “The Secretary of Transportation” the following:

“(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—”;

(2) by inserting “improve commercial motor vehicle safety and” in the first sentence before “enforce”; and

(3) by adding at the end the following:

“(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for those activities identified in 31104(f)(2).”.

#### SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 31104(a) is amended to read as follows:

“(a) GENERAL.—Subject to section 9503(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(1)), there are available from the Highway Trust Fund (except the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 of this title, not more than—

“(1) \$80,000,000 for the fiscal year ending September 30, 1998;

“(2) \$82,000,000 for the fiscal year ending September 30, 1999;

“(3) \$84,000,000 for the fiscal year ending September 30, 2000;

“(4) \$86,000,000 for the fiscal year ending September 30, 2001;

“(5) \$88,000,000 for the fiscal year ending September 30, 2002; and

“(6) \$90,000,000 for the fiscal year ending September 30, 2003.”.

(b) AVAILABILITY AND REALLOCATION.—Section 31104(b)(2) is amended to read as follows:

“(2) Amounts made available under section 4002(e)(1) and (2) of the Intermodal Surface Transportation Efficiency Act of 1991 before October 1, 1996, that are not obligated on October 1, 1997, are available for obligation under paragraph (1) of this subsection.”.

(c) ALLOCATION CRITERIA.—Section 31104(f) is amended to read as follows:

“(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

“(1) On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate, under criteria the Secretary prescribes through regulation, the amounts available for that fiscal year among the States with plans approved under section 31102 of this title.

“(2) The Secretary may designate—

“(A) no less than 5 percent of such amounts for activities and projects of na-

tional priority for the improvement of commercial motor vehicle safety; and

“(B) no less than 5 percent of such amounts to reimburse States for border commercial motor vehicle safety programs and enforcement activities and projects. These amounts shall be allocated by the Secretary to State agencies and local governments that use trained and qualified officers and employees in coordination with State motor vehicle safety agencies.”.

(d) OTHER AMENDMENTS.—

(1) Section 31104 is amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(2) Section 31104 is amended by striking subsection (i) and redesignating subsection (j) as subsection (h).

#### SEC. 405. INFORMATION SYSTEMS AND STRATEGIC SAFETY INITIATIVES.

Section 31106 is amended to read as follows:

##### “§31106. Information Systems and Strategic Safety Initiatives.

“(a) INFORMATION SYSTEMS.—

“(1) IN GENERAL.—The Secretary is authorized to establish motor carrier information systems and data analysis programs to support motor carrier regulatory and enforcement activities required under this title. In cooperation with the States, the information systems shall be coordinated into a network providing identification of motor carriers and drivers, registration and licensing tracking, and motor carrier and driver safety performance. The Secretary shall develop and maintain data analysis capacity and programs to provide the means to develop strategies to address safety problems and to use data analysis to measure the effectiveness of these strategies and related programs; to determine the cost effectiveness of State and Federal safety compliance, enforcement programs, and other countermeasures; to evaluate the safety fitness of motor carriers and drivers; to identify and collect necessary data; and to adapt, improve, and incorporate other information and information systems as deemed appropriate by the Secretary.

“(2) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT—

“(A) The Secretary shall include, as part of the motor carrier safety information network system of the Department of Transportation, an information system, to be called the Performance and Registration Information Systems Management, to serve as a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the safety system of the commercial motor vehicle registrants or the motor carriers operating the vehicles. The Secretary may include in the system information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on vehicle, driver, and motor carrier safety performance.

“(B) The Secretary shall prescribe technical and operational standards to ensure—

“(i) uniform, timely and accurate information collection and reporting by the States necessary to carry out this system;

“(ii) uniform State and Federal procedures and policies necessary to operate the Commercial Vehicle Information System; and

“(iii) the availability and reliability of the information to the States and the Secretary from the information system.

“(C) The system shall link the Federal motor carrier safety systems with State driver and commercial vehicle registration and licensing systems, and shall be designed—

“(i) to enable a State, when issuing license plates or throughout the registration period for a commercial motor vehicle, to deter-

mine, through the use of the information system, the safety fitness of the registrant or motor carrier;

“(ii) to allow a State to decide, in cooperation with the Secretary, the types of sanctions that may be imposed on the registrant or motor carrier, or the types of conditions or limitations that may be imposed on the operations of the registrant or motor carrier that will ensure the safety fitness of the registrant or motor carrier;

“(iii) to monitor the safety fitness of the registrant or motor carrier during the registration period; and

“(iv) to require the State, as a condition of participation in the system, to implement uniform policies, procedures, and standards, and to possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

“(D) Of the amounts available for expenditure under this section, up to 50 percent in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 may be made available to carry out paragraph (a)(2) of this section. The Secretary may authorize the operation of the information system by contract, through an agreement with one or more States, or by designating, after consultation with the States, a third party that represents the interests of the States. Of the amounts made available to carry out subsection (a)(2) of this section, the Secretary is encouraged to direct no less than 80 percent to States that have not previously received financial assistance to develop or implement the Performance and Registration Information Systems Management system.

“(b) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—The Secretary is authorized to establish a program focusing on improving commercial motor vehicle driver safety. The objectives of the program shall include—

“(1) enhancing the exchange of driver licensing information among the States and among the States, the Federal Government, and foreign countries;

“(2) providing information to the judicial system on the commercial motor vehicle driver licensing program; and

“(3) evaluating any aspect of driver performance and safety as deemed appropriate by the Secretary.

“(c) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to and entering into contracts and cooperative agreements with States, localities, associations, institutions, corporations (profit or nonprofit) or other persons.”.

#### SEC. 406. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM.

The Secretary of Transportation shall carry out a pilot program in cooperation with one or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers. The program shall—

(1) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

(2) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

(3) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

**SEC. 407. MOTOR CARRIER AND DRIVER SAFETY RESEARCH.**

Of the funds made available to carry out programs established by the amendments made by title II of the Intermodal Surface Transportation Efficiency Act of 1997, no less than \$10,000,000 shall be made available for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 for activities designed to advance commercial motor vehicle and driver safety. Any obligation, contract, cooperative agreement, or support granted under this section in excess of \$250,000 shall be awarded on a competitive basis. The Secretary shall submit annually a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the research activities carried out under this section, including the amount, purpose, recipient and nature of each contract, cooperative agreement or award and results of such research activities carried out under this section, including benefits to motor carrier safety."

**SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**  
**Section 31107 is amended to read as follows:**  
**"§31107. Authorization of appropriations for information systems and strategic safety initiatives.**

"There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to incur obligations to carry out section 31106 of this title the sum of \$10,000,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. The amounts made available under this subsection shall remain available until expended."

**SEC. 409. CONFORMING AMENDMENTS.**

The chapter analysis for chapter 311 is amended—

(1) by striking the heading for subchapter I and inserting the following:

"SUBCHAPTER I. STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS.";

and

(2) by striking the items relating to sections 31106 and 31107 and inserting the following:

"31106. Information systems and strategic safety initiatives

"31107. Authorization of appropriations for information systems and strategic safety initiatives".

**SEC. 410. AUTOMOBILE TRANSPORTER DEFINED.**

Section 31111(a) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units."

**SEC. 411. REPEAL OF REVIEW PANEL; REVIEW PROCEDURE.**

(a) REPEAL.—Subchapter III of chapter 311 is amended—

(1) by striking sections 31134 and 31140; and

(2) by striking the items relating to sections 31134 and 31140 in the chapter analysis for that chapter.

(b) REVIEW PROCEDURE.—

(1) IN GENERAL.—Section 31141 is amended—

(A) by striking subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively;

(B) by striking so much of subsection (b), as redesignated, as precedes paragraph (2) and inserting the following:

"(b) REVIEW AND DECISIONS BY THE SECRETARY.—

"(1) The Secretary shall review the laws and regulations on commercial motor vehicle safety in effect in each State, and decide—

"(A) whether the State law or regulation—

"(i) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

"(ii) is less stringent than that regulation; or

"(iii) is additional to or more stringent than that regulation; and

"(B) for each State law or regulation which is additional to or more stringent than the regulation prescribed by the Secretary, whether—

"(i) the State law or regulation has no safety benefit;

"(ii) the State law or regulation is incompatible with the regulation prescribed by the Secretary under section 31136 of this title; or

"(iii) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.";

(C) by striking paragraph (5) of subsection (b)(5), as redesignated, and inserting the following:

"(5) In deciding under paragraph (4) of this subsection whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of all similar laws and regulations of other States.";

(D) by striking subsections (d) and (e), as redesignated, and inserting the following:

"(d) WRITTEN NOTICE OF DECISIONS.—The Secretary shall give written notice of the decision under subsection (b) of this section to the State concerned."; and

(E) by redesignating subsections (f) and (g), as redesignated, as subsections (e) and (f), respectively.

(2) CONFORMING CHANGES.—

(A) The caption of section 31141 of such title is amended to read as follows:

**"§ 31141. Preemption of State laws and regulations".**

(B) The chapter analysis of chapter 311 of such title is amended by striking the item relating to section 31141 and inserting the following:

"31141. Preemption of State laws and regulations".

(d) INSPECTION OF VEHICLES.—

(1) Section 31142 is amended—

(A) by striking "part 393 of title 49, Code of Federal Regulations" in subsection (a) and inserting "regulations issued pursuant to section 31135 of this title"; and

(B) by striking subsection (c)(1)(C) and inserting the following:

"(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or"

(2) Subchapter IV of chapter 311 is amended—

(A) by striking sections 31161 and 31162; and

(B) by striking the items relating to sections 31161 and 31162 in the chapter analysis for that chapter.

(3) Section 31102(b)(1) is amended—

(A) by striking "and" at the end of subparagraph (P);

(B) by striking "thereunder." in subparagraph (Q) and inserting "thereunder; and"; and

(C) by adding at the end thereof the following:

"(R) provides that the State will establish a program (i) to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104 of this title; and (ii) to ensure that information is exchanged among the States in a timely manner."

(e) SAFETY FITNESS OF OWNERS AND OPERATORS.—Section 31144 is amended to read as follows:

**"§ 31142. Safety fitness of owners and operators**

"(a) PROCEDURE.—The Secretary of Transportation shall maintain in regulation a procedure for determining the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under section 13902 of this title. The procedure shall include—

"(1) specific initial and continuing requirements to be met by the owners, operators, and other persons to demonstrate safety fitness;

"(2) a means of deciding whether the owners, operators, or other persons meet the safety requirements under paragraph (1) of this subsection; and

"(3) specific time deadlines for action by the Secretary in making fitness decisions.

"(b) PROHIBITED TRANSPORTATION.—Except as provided in sections 521(b)(5)(A) and 5113 of this title, a motor carrier that fails to meet the safety fitness requirements established under subsection (a) of this section may not operate in interstate commerce beginning on the 61st day after the date of the determination by the Secretary that the motor carrier fails to meet the safety fitness requirements and until the motor carrier meets the safety fitness requirements. The Secretary may, for good cause shown, provide a carrier with up to an additional 60 days to meet the safety fitness requirements.

"(c) RATING REVIEW.—The Secretary shall review the factors that resulted in a motor carrier failing to meet the safety fitness requirements not later than 45 days after the motor carrier requests a review.

"(d) GOVERNMENT USE PROHIBITED.—A department, agency, or instrumentality of the United States Government may not use a motor carrier that does not meet the safety fitness requirements.

"(e) PUBLIC AVAILABILITY; UPDATING OF FITNESS DETERMINATIONS.—The Secretary shall amend the motor carrier safety regulations in subchapter B of chapter III of title 49, Code of Federal Regulations, to establish a system to make readily available to the public, and to update periodically, the safety fitness determinations of motor carriers made by the Secretary.

"(f) PENALTIES.—The Secretary shall prescribe regulations setting penalties for violations of this section consistent with section 521 of this title."

(f) SAFETY FITNESS OF PASSENGER AND HAZARDOUS MATERIAL CARRIERS.—

(1) IN GENERAL.—Section 5113 is amended—

(A) by striking subsection (a) and inserting the following:

"(a) PROHIBITED TRANSPORTATION.—

"(1) A motor carrier that fails to meet the safety fitness requirements established under subsection 31144(a) of this title may not operate a commercial motor vehicle (as defined in section 31132 of this title)—

"(A) to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under this chapter; or

"(B) to transport more than 15 individuals.

"(2) The prohibition in paragraph (1) of this subsection applies beginning on the 46th day after the date on which the Secretary determines that a motor carrier fails to meet the safety fitness requirements and applies until the motor carrier meets the safety fitness requirements."

(B) by striking "RATING" in the caption of subsection (b) and inserting "FITNESS";

(C) by striking "receiving an unsatisfactory rating" in subsection (b) and inserting "failing to meet the safety fitness requirements";

(D) by striking "has an unsatisfactory rating from the Secretary" in subsection (c) and

inserting "failed to meet the safety fitness requirements"; and

(E) by striking "RATINGS" in the caption of subsection (d) and inserting "FITNESS DETERMINATIONS";

(F) by striking ", in consultation with the Interstate Commerce Commission," in subsection (d); and

(G) by striking "ratings of motor carriers that have unsatisfactory ratings from" in subsection (d) and inserting "fitness determinations of motor carriers made by".

(2) CONFORMING AMENDMENTS.—

(A) The caption of section 5113 of such chapter is amended to read as follows:

**"§ 5113. Safety fitness of passenger and hazardous material carriers".**

(B) The chapter analysis for such chapter is amended by striking the item relating to section 5113 and inserting the following:

"5113. Safety fitness of passenger and hazardous material carriers".

(g) DEFINITIONS.—

(1) Section 31101(1) is amended—

(A) by inserting "or gross vehicle weight, whichever is greater," after "rating" in subparagraph (A);

(ii) by striking "10,000" and inserting "10,001";

(B) by striking "driver; or" in subparagraph (B) and inserting "driver, or a smaller number of passengers including the driver as determined under regulations implementing sections 31132(1)(B) or 31301(4)(B)";

(C) by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title" in subparagraph (C).

(2) Section 31132 is amended—

(A) by inserting "or gross vehicle weight, whichever is greater," after "rating" in paragraph (1)(A); and

(B) by adding at the end of paragraph (3) the following:

"For purposes of this paragraph, the term 'business affecting interstate commerce' means a business predominantly engaged in employing commercial motor vehicles in interstate commerce and includes all operations of the business in intrastate commerce which use vehicles otherwise defined as commercial motor vehicles under paragraph (1) of this section."

(h) EMPLOYEE PROTECTIONS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Labor, shall report to the United States Senate Committee on Commerce, Science, and Transportation and the United States House of Representatives Committee on Transportation and Infrastructure on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes as may be necessary to strengthen the enforcement of such employee protection provisions.

(i) INSPECTIONS AND REPORTS.—

(1) GENERAL POWERS OF THE SECRETARY.—Section 31133(a)(1) is amended by inserting "and make contracts for" after "conduct".

(2) REPORTS AND RECORDS.—Section 504(c) is amended by inserting "(and, in the case of a motor carrier, a contractor)" before the second comma.

**SEC. 412. COMMERCIAL MOTOR VEHICLE OPERATORS.**

(a) REPEAL OF OBSOLETE GRANT PROGRAMS.—Chapter 313 is amended—

(1) by striking sections 31312 and 31313; and

(2) by striking the items relating to sections 31312 and 31313 in the chapter analysis for that chapter.

(b) COMMERCIAL DRIVER'S LICENSE REQUIREMENT.—

(1) IN GENERAL.—Section 31302 is amended to read as follows:

**"§ 31302. Commercial driver's license requirement**

"No individual shall operate a commercial motor vehicle without a commercial driver's license issued according to section 31308 of this title."

(2) CONFORMING AMENDMENTS.—

(A) The chapter analysis for that chapter is amended by striking the item relating to section 31302 and inserting the following:

"31302. Commercial driver's license requirement".

(B) Section 31305(a) is amended by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively, and by inserting after paragraph (1) the following:

"(2) may establish performance based testing and licensing standards that more accurately measure and reflect an individual's knowledge and skills as an operator;"

(c) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309 is amended—

(1) by striking "make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section," in subsection (a) and inserting "maintain";

(2) by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d) respectively;

(3) by striking "Not later than December 31, 1990, the" in paragraph (2) of subsection (b), as redesignated, and inserting "The"; and

(4) by inserting after the caption of subsection (c), as redesignated, the following: "Information about a driver in the information system may be made available under the following circumstances:"; and

(5) by starting a new paragraph with "(1) On request" and indenting the paragraph 2 ems from the left-hand margin.

(d) REQUIREMENTS FOR STATE PARTICIPATION.—Section 31311(a) is amended—

(1) by striking "31310(b)-(e)" in paragraph (15) and inserting "31310(b)-(e), and (g)(1)(A) and (2)";

(2) by striking paragraph (17); and

(3) by redesignating paragraph (18) as paragraph (17).

(e) WITHHOLDING AMOUNTS FOR STATE NON-COMPLIANCE.—Section 31314 is amended—

(1) by striking "(2), (5), and (6)" and inserting "(3), and (5)"; and

(2) by striking "1992" in subsections (a) and (b) and inserting "1995";

(3) by striking paragraph (1) of subsection (c);

(4) by striking "(2)" in subsection (c)(2);

(5) by striking subsection (d); and

(6) by redesignating subsection (e) as subsection (d).

(f) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31301 is amended—

(1) by inserting "or gross vehicle weight, whichever is greater," after "rating" each place it appears in paragraph (4)(A); and

(2) by inserting "is" in paragraph (4)(C)(ii) before "transporting" each place it appears and before "not otherwise".

(g) SAFETY PERFORMANCE HISTORY OF NEW DRIVERS; LIMITATION ON LIABILITY.—

(1) IN GENERAL.—Chapter 5 is amended by adding at the end thereof the following:

**"§ 508. Safety performance history of new drivers; limitation on liability**

"(a) LIMITATION ON LIABILITY.—No action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records in accordance with regulations issued by the Secretary may be brought against—

"(1) a motor carrier requesting the safety performance records of an individual under consideration for employment as a commer-

cial motor vehicle driver as required by and in accordance with regulations issued by the Secretary;

"(2) a person who has complied with such a request; or

"(3) the agents or insurers of a person described in paragraph (1) or (2) of this subsection.

"(b) RESTRICTIONS.—

"(1) Subsection (a) does not apply unless—

"(A) the motor carrier requesting the safety performance records at issue, the person complying with such a request, and their agents have taken all precautions reasonably necessary to ensure the accuracy of the records and have fully complied with the regulations issued by the Secretary in using and furnishing the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records;

"(B) the motor carrier requesting the safety performance records, the person complying with such a request, their agents, and their insurers, have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual; and

"(C) the motor carrier requesting the safety performance records has used those records only to assess the safety performance of the individual who is the subject of those records in deciding whether to hire that individual.

"(2) Subsection (a) does not apply to persons who knowingly furnish false information.

"(c) PREEMPTION OF STATE AND LOCAL LAW.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary. Notwithstanding any provision of law, written authorization shall not be required to obtain information on the motor vehicle driving record of an individual under consideration for employment with a motor carrier."

(2) CONFORMING AMENDMENT.—The chapter analysis for that chapter is amended by inserting after the item relating to section 507 the following:

"508. Safety performance history of new drivers; limitation on liability".

**SEC. 413. PENALTIES.**

(a) NOTIFICATION OF VIOLATIONS AND ENFORCEMENT PROCEDURES.—Section 521(b)(1) is amended—

(1) by inserting: "with the exception of reporting and recordkeeping violations," in the first sentence of subparagraph (A) after "under any of those provisions,";

(2) by striking "fix a reasonable time for abatement of the violation," in the third sentence of subparagraph (A);

(3) by striking "(A)" in subparagraph (A); and

(4) by striking subparagraph (B).

(b) CIVIL PENALTIES.—Section 521(b)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title

shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding \$2,500.”;

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following:

“(B) RECORDKEEPING AND REPORTING VIOLATIONS.—

“(i) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except 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 items relating to sections 31702, 31703, and 31708 in the chapter 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 areas 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 completed 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)”;

and

(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. 417. 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 that 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 the Department of Transportation 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) **REVOCAION 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 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) **REVOCAION 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 im-

act on 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 of 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 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) '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 that 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 a 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 a 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 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 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 20102 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 covenants 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 purpose 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.”; and

(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 purposes 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 1/2 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 for 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, day-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."

**MCCAIN AMENDMENTS NOS. 1417-1421**

(Ordered to lie on the table.)

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

**AMENDMENT No. 1417**

On page 136, strike line 22 and insert the following: specified in subparagraph (G)."

**SEC. 11 . AVAILABILITY OF FUNDING FOR DEMONSTRATION PROJECTS.**

Section 118(b)(2) of title 23, United States Code, is amended—

(1) by striking "FUNDS.—Except as" and inserting the following: "FUNDS.—

"(A) IN GENERAL.—Except as"; and

(2) by adding at the end the following:

"(B) DEMONSTRATION PROJECTS.—

"(i) DEFINITION.—In this subparagraph, the term 'demonstration project' means a demonstration project or program authorized under—

"(I) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240);

"(II) the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17);

"(III) the Surface Transportation Assistance Act of 1982 (Public Law 97-424); or

"(IV) any other law.

"(ii) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, if none of the funds allocated for a demonstration project in a State have been obligated by the date that is 3 years after the last day of the fiscal year for which the funds are authorized, the funds and the authorization of the project shall lapse.

"(iii) TRANSITION PROVISION.—In the case of a demonstration project authorized before the date of enactment of this subparagraph for which funds are not obligated as described in clause (ii) as of that date, the funds and the authorization of the project shall lapse on that date."

**AMENDMENT No. 1418**

On page 136, strike line 22 and insert the following: specified in subparagraph (G)."

**SEC. 11 . AVAILABILITY OF FUNDING FOR DEMONSTRATION PROJECTS.**

Section 118(b)(2) of title 23, United States Code, is amended—

(1) by striking "FUNDS.—Except as" and inserting the following: "FUNDS.—

"(A) IN GENERAL.—Except as"; and

(2) by adding at the end the following:

"(B) DEMONSTRATION PROJECTS.—

"(i) DEFINITION.—In this subparagraph, the term 'demonstration project' means a demonstration project or program authorized under—

"(I) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240);

"(II) the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17);

"(III) the Surface Transportation Assistance Act of 1982 (Public Law 97-424); or

"(IV) any other law.

"(ii) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, if none of the funds allocated for a demonstration project in a State have been obligated by the date that is 3 years after the last day of the fiscal year for which the funds are authorized, the Secretary shall reallocate funds for the project to other States in the same manner as funds are apportioned under section 104(b).

"(iii) TRANSITION PROVISION.—In the case of a demonstration project authorized before the date of enactment of this subparagraph for which funds are not obligated as described in clause (ii) as of the date, the funds shall be reallocated in accordance with clause (ii) as soon as practicable after the date."

**AMENDMENT No. 1419**

Beginning on page 39, strike line 21 and all that follows through page 40, line 10, and insert the following:

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714); and

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701).

On page 44, strike line 5 and insert the following: date of enactment of this subparagraph).

"(3) DEMONSTRATION PROJECTS.—

"(A) DEFINITION.—In this paragraph, the term 'demonstration project' means a demonstration project or program authorized under—

"(i) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240);

"(ii) the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17);

"(iii) the Surface Transportation Assistance Act of 1982 (Public Law 97-424); or

"(iv) any other law.

"(B) APPLICABILITY OF OBLIGATION LIMITATIONS.—Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs."

**AMENDMENT No. 1420**

Beginning on page 39, strike line 21 and all that follows through page 40, line 10, and insert the following:

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714); and

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701).

**AMENDMENT No. 1421**

On page 44, strike line 5 and insert the following: date of enactment of this subparagraph).

"(3) DEMONSTRATION PROJECTS.—

"(A) DEFINITION.—In this paragraph, the term 'demonstration project' means a demonstration project or program authorized under—

"(i) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240);

"(ii) the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17);

"(iii) the Surface Transportation Assistance Act of 1982 (Public Law 97-424); or

"(iv) any other law.

"(B) APPLICABILITY OF OBLIGATION LIMITATIONS.—Notwithstanding any other provision

of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs."

#### BOXER AMENDMENT NO. 1422

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1173, supra; as follows:

Strike section 1407 and insert the following:

#### SEC. 1407. AUTOMATIC CRASH PROTECTION UNBELTED TESTING STANDARD.

(a) REVISION OF STANDARDS.—

(1) IN GENERAL.—Not later than December 31, 1998, the Secretary shall issue final regulations that revise the Federal Motor Vehicle Safety Standard No. 208 for occupant protection to require additional types of tests to protect all sizes of occupants (particularly children), conducted—

- (A) with or without manual safety belts;
- (B) at low and high speeds; and
- (C) from head-on and offset collisions.

(2) APPLICABILITY.—The final regulations issued under paragraph (1) shall require that all passenger cars and multipurpose vehicles comply with the additional testing requirements described in paragraph (1) beginning on September 1, 2001.

(b) CONSUMER INFORMATION.—

(1) AIRBAG INFORMATION.—The Secretary shall, by regulation, require the disclosure to purchasers of newly manufactured motor vehicles, critical information regarding the operation and characteristics of both driver- and passenger-side airbags.

(2) REQUIREMENTS FOR INFORMATION.—The information described in paragraph (1) shall include, at a minimum, information concerning, with respect to each covered airbag—

- (A) the airbag deployment threshold;
- (B) the maximum deployment force of the airbag;
- (C) the location of the airbag module;
- (D) the direction in which the airbag deploys;
- (E) the range of airbag intrusion into the seating area; and
- (F) the use of features (if any) to control the extent of airbag excursion.

(3) PLACEMENT OF INFORMATION.—The regulations issued under this subsection shall require that the information that is required to be disclosed under the regulation be disclosed—

- (A) on a window sticker of the motor vehicle involved; and
- (B) in the owners' manual of the motor vehicle involved.

(4) APPLICABILITY.—The regulations issued under this subsection shall require compliance not later than 1 year after the date of enactment of this Act.

(c) SAFE PROCEDURES NOTIFICATION.—

(1) IN GENERAL.—Not later than September 1, 1998, a manufacturer shall provide to each purchaser of a newly manufactured motor vehicle that is manufactured by that manufacturer, in the owners' manual of that motor vehicle, comprehensive information concerning the actions and precautions that are necessary to ensure proper occupant positioning in airbag-equipped seating positioning. That information shall—

- (A) be based on different sizes and ages of occupants;

(B) provide specific information concerning the safety of children and infants; and

(C) include information concerning the proper positioning of vehicle equipment, including seats and the steering column.

(2) PREVIOUS PURCHASERS.—With respect to an owner who purchases a newly manufac-

ured airbag equipped motor vehicle before the date specified in paragraph (1), the manufacturer of that motor vehicle shall provide to that owner the information described in paragraph (1) in a manner consistent with section 30118(c) of title 49, United States Code.

#### BOXER (AND WELLSTONE) AMENDMENT NO. 1423

(Ordered to lie on the table.)

Mrs. BOXER (for herself and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, S. 1173, supra; as follows:

On page 345, line 6, strike "and".

On page 345, line 9, strike the period and insert "; and".

On page 345, between lines 9 and 10, insert the following:

"(H) research on telecommuting, research on the linkages between transportation, information technology, and community development, and research on the impacts of technological change and economic restructuring on travel demand, to be carried out by an information technology and transportation consortium composed of universities and other organizations under grants made, or cooperative agreements or contracts entered into, by the Secretary.

On page 415, line 15, before the period, insert the following: "; of which not less than \$2,000,000 for each fiscal year shall be available to carry out section 502(b)(2)(H)".

#### CAMPBELL (AND GRAMM) AMENDMENT NO. 1424

(Ordered to lie on the table.)

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

At the appropriate place in the bill, insert the following:

#### SEC. . LIMITATIONS.

(a) PROHIBITION ON LOBBYING ACTIVITIES.—(1) No funds authorized in this title shall be available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

#### CAMPBELL AMENDMENT NO. 1425

(Ordered to lie on the table.)

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

On page 30, strike line 1 and insert the following: "is not less than 0.90 for fiscal year 1998, 0.91 for fiscal year 1999, 0.92 for fiscal year 2000, 0.93 for fiscal year 2001, 0.94 for fiscal year 2002, 0.95 for fiscal year 2003; and".

On page 5, line 8, insert "(a) IN GENERAL.—" before "For".

On page 7, between lines 20 and 21, insert the following:

(b) REDUCTION OF SUMS.—Notwithstanding subsection (a), the sums made available under subsection (a) shall be reduced on a pro rata basis by the amount necessary to offset the budgetary impact resulting from adoption of this amendment.

On page 5, line 8, insert "(a) IN GENERAL.—" before "For".

On page 7, between lines 20 and 21, insert the following:

(b) EFFECT OF INCREASED AVAILABLE AMOUNTS.—The increased funding levels provided by this amendment shall not take effect unless the amounts made available under subsection (a) are increased above the levels of those amounts in the modified Committee amendment filed in the Senate on October 8, 1997.

#### DOMENICI AMENDMENTS NOS. 1426-1430

(Ordered to lie on the table.)

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

#### AMENDMENT NO. 1426

At the appropriate place insert the following:

FINDINGS.—The Senate finds that—

(1) the Senate agreed to abide by the levels and priorities of spending worked out in the Bipartisan Budget Agreement with a vote of 76 to 22 on the adoption of the fiscal year 1998 budget resolution on June 5, 1997;

(2) this agreement calls for \$146,000,000,000 in spending authority over the next 5 fiscal years for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA); and

(3) to provide for additional transportation spending over this time period it will be necessary, so as not to increase the deficit and to remain in compliance with the Bipartisan Budget Agreement, to reduce spending for other appropriated Federal programs by an equivalent amount.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that spending shall be eliminated for all Army procurement over the next 5 years in order to truly provide additional Federal spending for transportation.

#### AMENDMENT NO. 1427

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) the Senate agreed to abide by the levels and priorities of spending worked out in the Bipartisan Budget Agreement with a vote of 76 to 22 on the adoption of the fiscal year 1998 budget resolution on June 5, 1997;

(2) this agreement calls for \$146,000,000,000 in spending authority over the next 5 fiscal years for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA); and

(3) to provide for additional transportation spending over this time period it will be necessary, so as not to increase the deficit and to remain in compliance with the Bipartisan Budget Agreement, to reduce spending for other appropriated Federal programs by an equivalent amount.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that spending shall be eliminated completely for the National Cancer Institute, National Heart and Lung Institute, National Institute for Diabetes, and AIDS research over the next 5 years in order to truly provide additional Federal spending for transportation.

#### AMENDMENT NO. 1428

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) the Senate agreed to abide by the levels and priorities of spending worked out in the Bipartisan Budget Agreement with a vote of 76 to 22 on the adoption of the fiscal year 1998 budget resolution on June 5, 1997;

(2) this agreement calls for \$146,000,000,000 in spending authority over the next 5 fiscal

years for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA); and

(3) to provide for additional transportation spending over this time period it will be necessary, so as not to increase the deficit and to remain in compliance with the Bipartisan Budget Agreement, to reduce spending for other appropriated Federal programs by an equivalent amount.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that spending for the Head Start program over the next 5 years shall be terminated in order to truly provide additional Federal spending for transportation.

AMENDMENT NO. 1429

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) the Senate agreed to abide by the levels and priorities of spending worked out in the Bipartisan Budget Agreement with a vote of 76 to 22 on the adoption of the fiscal year 1998 budget resolution on June 5, 1997;

(2) this agreement calls for \$146,000,000,000 in spending authority over the next 5 fiscal years for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA); and

(3) to provide for additional transportation spending over this time period it will be necessary, so as not to increase the deficit and to remain in compliance with the Bipartisan Budget Agreement, to reduce spending for other appropriated Federal programs by an equivalent amount.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that spending for the EPA over the next 5 years shall be terminated in order to truly provide additional Federal spending for transportation.

AMENDMENT NO. 1430

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) the Senate agreed to abide by the levels and priorities of spending worked out in the Bipartisan Budget Agreement with a vote of 76 to 22 on the adoption of the fiscal year 1998 budget resolution on June 5, 1997;

(2) this agreement calls for \$146,000,000,000 in spending authority over the next 5 fiscal years for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA); and

(3) to provide for additional transportation spending over this time period it will be necessary, so as not to increase the deficit and to remain in compliance with the Bipartisan Budget Agreement, to reduce spending for other appropriated Federal programs by an equivalent amount.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that spending for the FBI, DEA, ATF, INS, and Secret Service over the next 5 years shall be reduced by \$30 billion in order to truly provide additional Federal spending for transportation.

DOMENICI (AND ALLARD)  
AMENDMENT NO. 1431

(Ordered to lie on the table.)

Mr. DOMENICI (for himself 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:

**SEC. . REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.**

(a) REPEAL.—

(1) IN GENERAL.—Section 4081 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

“(f) REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.—

“(1) IN GENERAL.—Each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

“(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

“(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

“(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

“(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

“(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

“(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

“(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

“(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

“(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

“(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon.”

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the “taxpayer”) an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection—

(A) the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code; ex-

cept that the term “dealer” includes a producer, and

(B) the term “tax repeal date” means the date of the enactment of this section.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) ADMINISTRATIVE PROCEDURES.—

(1) The United States Department of Treasury shall inform each State and territory Governor within seven days of enactment of this section—

(A) that this section has been enacted, and

(B) the estimated amount of Federal gas tax revenues no longer collected in their respective States between fiscal years 2000 and 2009 due to enactment of this section.

(2) Each State and territory may by October 1, 1999—

(A) adjust their respective State gas tax upward to make up for the Federal gas tax reduction enacted by this section for the purpose of transportation spending in that State,

(B) provide tax relief to their citizens by not increasing their State gas taxes equivalent to the reductions enacted by this section, or

(C) a combination of both (A) and (B).

DOMENICI AMENDMENTS NOS. 1432-1433

(Ordered to lie on the table.)

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

AMENDMENT NO. 1432

At the appropriate place insert:

**SEC. . REPEAL OF TRANSFER OF GENERAL REVENUE PORTION OF HIGHWAY MOTOR FUELS TAXES INTO HIGHWAY TRUST FUND.**

(a) IN GENERAL.—Section 901 of the Taxpayer Relief Act of 1997 (other than subsection (e)) is repealed.

(b) APPLICATION OF THE INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 shall be applied and administered as if that section (and the amendments made by such section) had not been enacted.

AMENDMENT NO. 1433

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.

DOMENICI (AND CHAFEE)  
AMENDMENT NO. 1434

(Ordered to lie on the table.)

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

At the end of the bill, add the following:

**TITLE III—ADDITIONAL FUNDING**

**SEC. 3001. ADDITIONAL FUNDING.**

(a) HIGHWAYS.—

(1) APPORTIONMENT.—For each of fiscal years 1999 through 2003, the following additional amounts shall be apportioned among the States so that each State’s percentage of the remainder for a fiscal year is equal to the State’s percentage of the sum of—

(A) the total apportionments made under section 1102 and the amendments made by section 1102; and

(B) the total amounts made available for metropolitan planning under section 104(f) of title 23, United States Code; for the current fiscal year.

(2) AMOUNTS.—The amounts referred to in paragraph (1) are the following:

- (A) For fiscal year 1999, \$0.
- (B) For fiscal year 2000, \$0.
- (C) For fiscal year 2001, \$0.
- (D) For fiscal year 2002, \$0.
- (E) For fiscal year 2003, \$0.

(3) OBLIGATION OF AMOUNTS.—Amounts apportioned under paragraph (1)—

(A) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(i) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(ii) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(B) shall be available for any purpose eligible for funding under section 133 of that title; and

(C) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are provided in paragraph (2).

(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.

(b) MASS TRANSIT.—

(1) AUTHORIZATION.—For each of fiscal years 1999 through 2003, the following additional amounts shall be made available to the Secretary to carry out sections 5307, 5309, 5310, and 5311 of title 49, United States Code.

(2) AMOUNTS.—

(A) SECTION 5307, 5310, and 5311.—The amounts referred to in paragraph (1) are the following amounts to carry out the purposes of section 5307, 5310 and 5311:

- (i) For fiscal year 1999, \$0.
- (ii) For fiscal year 2000, \$0.
- (iii) For fiscal year 2001, \$0.
- (iv) For fiscal year 2002, \$0.
- (v) For fiscal year 2003, \$0.

(B) SECTION 5309.—The amounts referred to in paragraph (1) are the following amounts to carry out the purposes of section 5309:

- (i) For fiscal year 1999, \$0.
- (ii) For fiscal year 2000, \$0.
- (iii) For fiscal year 2001, \$0.
- (iv) For fiscal year 2002, \$0.
- (v) For fiscal year 2003, \$0.

(3) OBLIGATION OF AMOUNTS.—Amounts made available under this subsection—

(A) shall be considered to be sums made available for expenditure on Federal transit programs;

(B) shall be available for any purpose eligible for funding under the applicable section, except that funds provided to urbanized areas over 200,000 population under section 5307 shall not be available for operating assistance; and

(C) shall remain available for obligation for the same period of time as if the funds were provided under section 5338 of title 49.

(4) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Mass Transit Account such sums as are provided in paragraph (2).

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available

for obligation in the same manner as if the funds were apportioned or allocated under sections 5307, 5309, 5310, and 5311 of title 49, United States Code.

(c) POTENTIAL INCREASE FOR TRANSPORTATION SPENDING.—If the fiscal year 1999, 2000, 2001, or 2002 concurrent resolution on the budget assumes higher budget authority and outlay levels for transportation spending than assumed in H. Con. Res. 84 (the fiscal year 1998 budget resolution), the budget resolution shall separately specify the increased budget authority levels for highways and mass transit spending and the outlays flowing from such levels for each fiscal year through fiscal year 2002. If the fiscal year 2003 concurrent resolution on the budget provides additional budget authority and outlays for transportation spending during fiscal year 2003, then that resolution shall separately specify the increased budget authority levels for highway and mass transit spending and the outlays flowing from such levels.

(d) EXPEDITED PROCEDURES.—

(1) DEFINITION OF HIGHWAY AND MASS TRANSIT FUNDING JOINT RESOLUTION.—In this section, the term “highway and mass transit funding joint resolution” means a joint resolution, the matter after the resolving clause of which consists solely of the following:

(A) With respect to section 1 of such joint resolution, each blank space being filled in with a specific dollar amount that does not exceed the budget authority level for highways pursuant to subsection (c).

(B) With respect to section 2 of such joint resolution, each blank space being filled in with a specific dollar amount that does not exceed the budget authority level for mass transit pursuant to subsection (c).

(C) With respect to section 3 of such joint resolution, each blank space being filled in by an amount that does not exceed the outlay level pursuant to subsection (c).

#### “SECTION 1. ADDITIONAL HIGHWAY FUNDING.

“Section 3001(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

“(1) in subparagraph (A), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’;

“(2) in subparagraph (B), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’;

“(3) in subparagraph (C), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’;

“(4) in subparagraph (D), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’; and

“(5) in subparagraph (E), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’.

#### “SEC. 2. ADDITIONAL MASS TRANSIT FUNDING.

“(a) Section 3001(b)(2)(A) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

“(1) in clause (i), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’;

“(2) in clause (ii), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’;

“(3) in clause (iii), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’;

“(4) in clause (iv), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’; and

“(5) in clause (v), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’.

“(b) Section 3001(b)(2)(B) of the Intermodal Surface Transportation Efficiency Act of 1997 is amended—

“(1) in clause (i), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’;

“(2) in clause (ii), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’;

“(3) in clause (iii), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’;

“(4) in clause (iv), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’; and

“(5) in clause (v), by striking ‘\$0’ and inserting ‘\$\_\_\_\_\_’.

#### “SEC. 3. ADDITIONAL OUTLAYS FOR TRANSPORTATION.

“The discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 as adjusted pursuant to that Act are increased by the following amounts:

“(1) With respect to fiscal year 1999, \_\_\_\_\_ for nondefense outlays.

“(2) With respect to fiscal year 2000, \_\_\_\_\_ for discretionary outlays.

“(3) With respect to fiscal year 2001, \_\_\_\_\_ for discretionary outlays.

“(4) With respect to fiscal year 2002, \_\_\_\_\_ for discretionary outlays.”.

(2) IN THE SENATE.—

(A) INTRODUCTION AND REFERRAL.—

(i) IN GENERAL.—A highway and mass transit funding resolution introduced in the Senate shall be referred (for a period not to exceed 5 days of session, following the date of introduction) first to the Committee on Environment and Public Works and then to the Committee on Banking, Housing, and Urban Affairs. If either committee fails to report the joint resolution within that period, that committee shall be automatically discharged from consideration of the resolution. In the case of the Committee on Environment and Public Works being discharged, the resolution shall then be referred to the Committee on Banking, Housing, and Urban Affairs. In the case of the Committee on Banking, Housing, and Urban Affairs being discharged, the resolution shall be placed on the Calendar.

(ii) MEASURE FROM THE HOUSE.—When the Senate receives from the House of Representatives a highway and mass transit funding joint resolution, such resolution shall not be referred to committee and shall be placed on the Calendar.

(B) LIMITATION ON AMENDMENTS.—Amendments to a highway and mass transit funding joint resolution considered under this section shall be limited to those amendments which either increase or decrease dollar amounts specified in the resolution; but in no case shall such an amendment exceed the levels set out in subsection (c). No motion to suspend the application of this subsection shall be in order, nor shall it be in order in either House for the presiding officer to entertain a request to suspend the application of this subsection by unanimous consent.

(C) FLOOR CONSIDERATION.—

(i) MOTION TO PROCEED.—A motion to proceed to the consideration of a highway and mass transit funding joint resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(ii) TIME FOR CONSIDERATION.—After no more than 10 hours of consideration of a highway and mass transit funding joint resolution, the Senate shall proceed, without intervening action or debate to vote on the final disposition thereof to the exclusion of all motions, except a motion to reconsider or to table. The time for consideration shall be equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit a highway and mass transit funding joint resolution shall not be in order.

(iii) POINTS OF ORDER WAIVED.—All points of order against the highway and mass transit funding joint resolution are waived.

(D) JOINT RESOLUTION FROM THE HOUSE OF REPRESENTATIVES.—If prior to the conclusion of consideration pursuant to subparagraph (C)(ii) of a highway and mass transit funding joint resolution originated in the Senate, the Senate receives from the House of Representatives a highway and mass transit funding joint resolution, it shall be in order at the

conclusion of consideration of the Senate measure, without any intervening action or debate to proceed to the consideration of the House of Representatives measure, read it for the third time and vote on final disposition thereof to the exclusion of all motions, except a motion to reconsider or to table.

(E) SENATE MEASURE TO CALENDAR.—In the Senate, if a highway and mass transit funding joint resolution received from the House of Representatives is considered pursuant to subparagraph (D) then the Senate measure shall be returned to the Calendar.

(3) IN THE HOUSE OF REPRESENTATIVES.—

(4) APPLICATION OF EXPEDITED PROCEDURES.—The provisions of this subsection (including the waiver of all points of order under paragraph (2)(C)(iii)) shall only apply to a resolution that meets the definition of paragraph (1).

(5) SUNSET.—This subsection shall expire on September 30, 2003.

#### MCCONNELL (AND OTHERS) AMENDMENTS NOS. 1435-1438

(Ordered to lie on the table.)

Mr. MCCONNELL (for himself, Mr. GORTON, Mr. SESSIONS, Mr. HUTCHINSON, and Mr. ASHCROFT) submitted four amendments intended to be proposed by them to the bill, S. 1173, *supra*; as follows:

##### AMENDMENT NO. 1435

Beginning on page 77, strike line 16 and all that follows through page 79, line 13.

##### AMENDMENT NO. 1436

Beginning on page 77, strike line 16 and all that follows through page 79, line 13.

##### AMENDMENT NO. 1437

Strike section 1111 and insert the following:

#### SEC. 1111. EMERGING BUSINESS ENTERPRISE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) EMERGING BUSINESS ENTERPRISE.—The term "emerging business enterprise" means a business that—

(A) has gross receipts not greater than the numerical size standard that the Administrator of the Small Business Administration has made applicable to the standard industrial classification in which the business performs the majority of its work; and

(B) has bid for Federal surface transportation contracts and subcontracts for not more than 9 years.

(2) FEDERAL SURFACE TRANSPORTATION LAW.—The term "Federal surface transportation law" means the surface transportation provisions of this Act and titles 23 and 49, United States Code.

(3) PREFERENTIAL TREATMENT.—The term "preferential treatment" means the grant of an advantage to any person based on—

(A) any numerical goal, quota, timetable, benchmark, or set-aside, or other numerical objective, for the award of a contract or subcontract;

(B) any bid preference, cost preference, or price preference, including a bonus and an evaluation credit; or

(C) any requirement imposed in conjunction with any numerical objective for the award of a contract or subcontract.

(b) POLICY.—It is the policy of the United States to provide and encourage the maximum practicable opportunity for emerging business enterprises, including emerging business enterprises owned by members of a minority group based on race, color, or national origin (referred to in this section as "minorities") and women, to compete for prime contracts and subcontracts funded

under Federal surface transportation law, consistent with the fifth and 14th amendments to the Constitution.

(c) REQUIREMENT FOR EMERGING BUSINESS ENTERPRISE DEVELOPMENT AND OUTREACH.—

(1) IN GENERAL.—Each State that receives funds made available under Federal surface transportation law shall engage in emerging business enterprise development and outreach to implement the policy set forth in subsection (b), including special outreach efforts to emerging business enterprises owned by minorities and women, consistent with this subsection and subsection (d), in carrying out programs under Federal surface transportation law.

(2) METHODS OF EMERGING BUSINESS ENTERPRISE DEVELOPMENT AND OUTREACH.—The emerging business enterprise development and outreach required to be engaged in by a State under paragraph (1) shall include—

(A) outreach to the emerging business enterprises in the construction industry in the State, and the recruitment of such enterprises, including—

(i) not less often than annually, a survey and a compilation of a list of such enterprises to determine the interest of the enterprises in performing prime contracts or subcontracts funded under Federal surface transportation law;

(ii) not less often than annually, publication of a directory of the emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law;

(iii) on a regular basis, publication of contract opportunities through the Commerce Business Daily and through systems such as the Pro-Net system of the Small Business Administration;

(iv) on a regular basis, offering of seminars and other educational programs on the contracting requirements and procedures of the State to emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law;

(v) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with other construction companies and with equipment dealers and material suppliers that support the construction industry in the State; and

(vi) each time that the State solicits bids or proposals for construction of a project funded under Federal surface transportation law—

(I) distribution of information on the project to emerging business enterprises interested in performing prime contracts or subcontracts for such projects in the relevant geographical area; and

(II) express encouragement of such enterprises to compete for the opportunity to construct all or part of the project;

(B) professional and technical services and assistance with any requirements for prequalification or bonding, including—

(i) not less often than annually, publication of a directory of the bonding companies that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the bonding companies that service the construction industry in the State;

(iii) on a regular basis, offering of seminars and other educational programs on—

(I) the purposes and criteria for prequalification and bonding; and

(II) the steps necessary to qualify a firm for bonding or to increase the firm's bonding limit;

(iv) on a regular basis, provision of accounting and other professional assistance to any emerging business enterprise that may require such assistance to qualify for bonding or to increase the firm's bonding limit; and

(v) on a regular basis, provision of information to emerging business enterprises regarding programs to guarantee a surety against loss resulting from the breach of the terms of a bond by an emerging business enterprise, including the program carried out by the Small Business Administration under part B of title IV of the Small Business Investment Act of 1958 (15 U.S.C. 694a et seq.);

(C) professional and technical services and assistance with risk management and any insurance that the State may encourage or require contractors or subcontractors to carry, including—

(i) not less often than annually, publication of a directory of the insurance companies that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the insurance companies that service the construction industry in the State; and

(iii) on a regular basis, offering of seminars and other educational programs on—

(I) risk management; and

(II) the steps necessary to obtain appropriate insurance, including any insurance that the State may require;

(D) professional and technical services and assistance with financial matters, including—

(i) not less often than annually, publication of a directory of the financial institutions that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the financial institutions that service the construction industry in the State;

(iii) on a regular basis, offering of seminars and other educational programs on construction financing and the steps necessary to qualify a firm for a line of credit or increase the firm's credit limit; and

(iv) on a regular basis, provision of accounting and other professional assistance to any emerging business enterprise that may require such assistance to qualify for a line of credit or to increase the firm's credit limit;

(E) professional and technical services and assistance with general business management, estimating, bidding, and construction means and methods, including—

(i) on a regular basis, offering of seminars and other educational programs on general business management, estimating, bidding, and construction means and methods; and

(ii) on a regular basis, distribution, to all emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law, of information on seminars and other educational programs offered by other entities on general business management, estimating, bidding, and construction means and methods;

(F) periodic review of the State's construction plans and specifications to the extent necessary to ensure that the plans and specifications reflect the State's actual requirements; and

(G) periodic review by States of the implementation and impact of emerging business enterprise development and outreach efforts under this subsection, including an assessment of the impact of the efforts on the overall competitiveness of emerging business enterprises owned by minorities and women through consideration of factors such as—

- (i) working capital;
- (ii) net profit;
- (iii) bonding capacity; and
- (iv) graduation rates from the emerging business enterprise program under this section.

(3) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a biennial review and publish findings and conclusions on the nationwide impact of the emerging business enterprise development and outreach efforts under this subsection, including an assessment of the impact of the efforts on the overall competitiveness of emerging business enterprises owned by minorities and women through consideration of factors such as the factors specified in paragraph (2)(G).

(d) PROHIBITION ON DISCRIMINATION OR PREFERENTIAL TREATMENT.—No person in the United States shall, on the basis of race, color, national origin, or sex, be subjected to discrimination or provided preferential treatment under any program or project (carried out directly or by grant or contract) receiving Federal financial assistance under this Act or any amendment made by this Act.

(e) STATUTORY CONSTRUCTION.—Nothing in subsection (b), (c), or (d) shall be construed—

(1) in any way to limit or restrain the power of the judicial branch to order remedial relief to victims of discrimination under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) or any other Federal statute; or

(2) to prohibit the Federal Government or any State or local government, consistent with subsection (d), from—

(A) encouraging enterprises owned by women and minorities to bid for contracts or subcontracts;

(B) requiring or encouraging any contractor or subcontractor to encourage enterprises owned by women and minorities to bid for contracts or subcontracts; or

(C) establishing overall annual goals for the participation of emerging business enterprises, including emerging business enterprises owned by minorities and women, in the emerging business enterprise development and outreach under subsection (c).

#### AMENDMENT NO. 1438

Strike section 1111 and insert the following:

#### SEC. 1111. EMERGING BUSINESS ENTERPRISE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) EMERGING BUSINESS ENTERPRISE.—The term “emerging business enterprise” means a business that—

(A) has gross receipts not greater than the numerical size standard that the Administrator of the Small Business Administration has made applicable to the standard industrial classification in which the business performs the majority of its work; and

(B) has bid for Federal surface transportation contracts and subcontracts for not more than 9 years.

(2) FEDERAL SURFACE TRANSPORTATION LAW.—The term “Federal surface transportation law” means the surface transportation provisions of this Act and titles 23 and 49, United States Code.

(3) PREFERENTIAL TREATMENT.—The term “preferential treatment” means the grant of an advantage to any person based on—

(A) any numerical goal, quota, timetable, benchmark, or set-aside, or other numerical

objective, for the award of a contract or subcontract;

(B) any bid preference, cost preference, or price preference, including a bonus and an evaluation credit; or

(C) any requirement imposed in conjunction with any numerical objective for the award of a contract or subcontract.

(b) POLICY.—It is the policy of the United States to provide and encourage the maximum practicable opportunity for emerging business enterprises, including emerging business enterprises owned by members of a minority group based on race, color, or national origin (referred to in this section as “minorities”) and women, to compete for prime contracts and subcontracts funded under Federal surface transportation law, consistent with the fifth and 14th amendments to the Constitution.

(c) REQUIREMENT FOR EMERGING BUSINESS ENTERPRISE DEVELOPMENT AND OUTREACH.—

(1) IN GENERAL.—Each State that receives funds made available under Federal surface transportation law shall engage in emerging business enterprise development and outreach to implement the policy set forth in subsection (b), including special outreach efforts to emerging business enterprises owned by minorities and women, consistent with this subsection and subsection (d), in carrying out programs under Federal surface transportation law.

(2) METHODS OF EMERGING BUSINESS ENTERPRISE DEVELOPMENT AND OUTREACH.—The emerging business enterprise development and outreach required to be engaged in by a State under paragraph (1) shall include—

(A) outreach to the emerging business enterprises in the construction industry in the State, and the recruitment of such enterprises, including—

(i) not less often than annually, a survey and a compilation of a list of such enterprises to determine the interest of the enterprises in performing prime contracts or subcontracts funded under Federal surface transportation law;

(ii) not less often than annually, publication of a directory of the emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law;

(iii) on a regular basis, publication of contract opportunities through the Commerce Business Daily and through systems such as the Pro-Net system of the Small Business Administration;

(iv) on a regular basis, offering of seminars and other educational programs on the contracting requirements and procedures of the State to emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law;

(v) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with other construction companies and with equipment dealers and material suppliers that support the construction industry in the State; and

(vi) each time that the State solicits bids or proposals for construction of a project funded under Federal surface transportation law—

(I) distribution of information on the project to emerging business enterprises interested in performing prime contracts or subcontracts for such projects in the relevant geographical area; and

(II) express encouragement of such enterprises to compete for the opportunity to construct all or part of the project;

(B) professional and technical services and assistance with any requirements for prequalification or bonding, including—

(i) not less often than annually, publication of a directory of the bonding companies that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the bonding companies that service the construction industry in the State;

(iii) on a regular basis, offering of seminars and other educational programs on—

(I) the purposes and criteria for prequalification and bonding; and

(II) the steps necessary to qualify a firm for bonding or to increase the firm's bonding limit;

(iv) on a regular basis, provision of accounting and other professional assistance to any emerging business enterprise that may require such assistance to qualify for bonding or to increase the firm's bonding limit; and

(v) on a regular basis, provision of information to emerging business enterprises regarding programs to guarantee a surety against loss resulting from the breach of the terms of a bond by an emerging business enterprise, including the program carried out by the Small Business Administration under part B of title IV of the Small Business Investment Act of 1958 (15 U.S.C. 694a et seq.);

(C) professional and technical services and assistance with risk management and any insurance that the State may encourage or require contractors or subcontractors to carry, including—

(i) not less often than annually, publication of a directory of the insurance companies that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the insurance companies that service the construction industry in the State; and

(iii) on a regular basis, offering of seminars and other educational programs on—

(I) risk management; and

(II) the steps necessary to obtain appropriate insurance, including any insurance that the State may require;

(D) professional and technical services and assistance with financial matters, including—

(i) not less often than annually, publication of a directory of the financial institutions that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with the financial institutions that service the construction industry in the State;

(iii) on a regular basis, offering of seminars and other educational programs on construction financing and the steps necessary to qualify a firm for a line of credit or increase the firm's credit limit; and

(iv) on a regular basis, provision of accounting and other professional assistance to any emerging business enterprise that may require such assistance to qualify for a line of credit or to increase the firm's credit limit;

(E) professional and technical services and assistance with general business management, estimating, bidding, and construction means and methods, including—



(i) on a regular basis, offering of seminars and other educational programs on general business management, estimating, bidding, and construction means and methods; and

(ii) on a regular basis, distribution, to all emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law, of information on seminars and other educational programs offered by other entities on general business management, estimating, bidding, and construction means and methods;

(F) periodic review of the State's construction plans and specifications to the extent necessary to ensure that the plans and specifications reflect the State's actual requirements; and

(G) periodic review by States of the implementation and impact of emerging business enterprise development and outreach efforts under this subsection, including an assessment of the impact of the efforts on the overall competitiveness of emerging business enterprises owned by minorities and women through consideration of factors such as—

- (i) working capital;
- (ii) net profit;
- (iii) bonding capacity; and
- (iv) graduation rates from the emerging business enterprise program under this section.

(3) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a biennial review and publish findings and conclusions on the nationwide impact of the emerging business enterprise development and outreach efforts under this subsection, including an assessment of the impact of the efforts on the overall competitiveness of emerging business enterprises owned by minorities and women through consideration of factors such as the factors specified in paragraph (2)(G).

(d) PROHIBITION ON DISCRIMINATION OR PREFERENTIAL TREATMENT.—No person in the United States shall, on the basis of race, color, national origin, or sex, be subjected to discrimination or provided preferential treatment under any program or project (carried out directly or by grant or contract) receiving Federal financial assistance under this Act or any amendment made by this Act.

(e) STATUTORY CONSTRUCTION.—Nothing in subsection (b), (c), or (d) shall be construed—

(1) in any way to limit or restrain the power of the judicial branch to order remedial relief to victims of discrimination under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) or any other Federal statute; or

(2) to prohibit the Federal Government or any State or local government, consistent with subsection (d), from—

(A) encouraging enterprises owned by women and minorities to bid for contracts or subcontracts;

(B) requiring or encouraging any contractor or subcontractor to encourage enterprises owned by women and minorities to bid for contracts or subcontracts; or

(C) establishing overall annual goals for the participation of emerging business enterprises, including emerging business enterprises owned by minorities and women, in the emerging business enterprise development and outreach under subsection (c).

**DORGAN AMENDMENT NO. 1439**

(Ordered to lie on the table.)

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

Beginning on page 225, strike line 12 and all that follows through page 226, line 7, and insert the following:

“(5) REPEAT INTOXICATED DRIVER LAW.—The term ‘repeat intoxicated driver law’ means a State law that provides, as a minimum penalty, that an individual convicted of—

“(A) a second offense for driving while intoxicated or driving under the influence within 10 years of a previous conviction for that offense shall receive—

“(i) suspension of the individual's driver's license for not less than 1 year;

“(ii) mandatory impoundment of a vehicle owned by the individual for not less than 30 days;

“(iii) an assignment of not less than 180 days of community service; and

“(iv) mandatory alcohol abuse treatment;

“(B) a third offense for driving while intoxicated or driving under the influence within 10 years of a previous conviction for that offense shall receive—

“(i) permanent revocation of the individual's driver's license;

“(ii) mandatory forfeiture of a vehicle owned by the individual;

“(iii) an assignment of not less than 1 year of community service; and

“(iv) mandatory alcohol abuse treatment; and

“(C) a fourth or subsequent offense for driving while intoxicated or driving under the influence within 10 years of a previous conviction for that offense shall be imprisoned not more than 5 years, fined not more than \$500,000, or both.

**DORGAN (AND OTHERS)  
AMENDMENT NO. 1440**

(Ordered to lie on the table.)

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

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

**SEC. 14 . OPEN CONTAINER LAWS.**

(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

**§ 154. Open container requirements**

“(a) DEFINITIONS.—In this section:

“(1) ALCOHOLIC BEVERAGE.—The term ‘alcoholic beverage’ has the meaning given the term in section 158(c).

“(2) MOTOR VEHICLE.—The term ‘motor vehicle’ means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

“(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term ‘open alcoholic beverage container’ has the meaning given the term in section 410(i).

“(4) PASSENGER AREA.—The term ‘passenger area’ shall have the meaning given the term by the Secretary by regulation.

“(b) PENALTY.—

“(1) GENERAL RULE.—

“(A) FISCAL YEAR 2000.—If, at any time in fiscal year 2000, a State does not have in effect a law described in subsection (c), the Secretary shall transfer 1.5 percent of the funds apportioned to the State for fiscal year 2001 under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) to the apportionment of the State under section 402.

“(B) FISCAL YEARS THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 2000, a State does not have in effect a law described in subsection (c), the Secretary shall transfer 3 percent of the funds apportioned to the State for the following fiscal year under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) to the apportionment of the State under section 402.

“(c) OPEN CONTAINER LAWS.—

“(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

“(2) MOTOR VEHICLES DESIGNATED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container in the passenger area by the driver (but not by a passenger) of a motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers, the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

“(d) FEDERAL SHARE.—The Federal share of the cost of a project carried out under section 402 with funds transferred under subsection (b) to the apportionment of a State under section 402 shall be 100 percent.

“(c) TRANSFER OF OBLIGATION AUTHORITY.—

“(1) IN GENERAL.—If the Secretary transfers under subsection (b) any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall allocate to the State an amount, determined under paragraph (2), of obligation authority distributed for the fiscal year for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

“(2) AMOUNT.—The amount of obligation authority referred to in paragraph (1) shall be determined by multiplying—

“(A) the amount of funds transferred under subsection (b) to the apportionment of the State under section 402 for the fiscal year; by

“(B) the ratio that—

“(i) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

“(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

“(f) LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under subsection (b) to the apportionment of a State under section 402.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

“154. Open container requirements.”

**CHAFEE AMENDMENTS NOS. 1441–1458**

(Ordered to lie on the table.)

Mr. CHAFEE submitted 18 amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

**AMENDMENT NO. 1441**

On page 130, line 6, insert “and classified pursuant to sections 181(a) or 186(a) of the Clean Air Act (42 U.S.C. 7511(a) or 7512(a))” before “or classified as”.

**AMENDMENT NO. 1442**

On page 86, after line 25, add the following:

(c) IMPLEMENTATION OF PROVISIONS.—Nothing in any amendment made by subsection (a) affects the implementation of any provision of title 23, United States Code, or any regulation issued under that provision.

AMENDMENT No. 1443

On page 43, between lines 12 and 13, insert the following:

“(xi) amounts set aside under section 104(d) for operation lifesaver and railway-highway crossing hazard elimination in high speed rail corridors; and”.

AMENDMENT No. 1444

Beginning on page 7, strike line 16 and all that follows through line 20.

AMENDMENT No. 1445

On page 218, between lines 9 and 10, insert the following:

(e) AVAILABILITY SUBJECT TO APPROPRIATIONS ACTS.—Funds made available under this chapter shall be available only to the extent provided in appropriations acts.

AMENDMENT No. 1446

On page 5, strike lines 15 through 20 and insert the following:

title \$11,977,000,000 for fiscal year 1998,  
title \$11,949,000,000 for fiscal year 1999,  
title \$11,922,000,000 for fiscal year 2000,  
title \$11,950,000,000 for fiscal year 2001,  
title \$12,242,000,000 for fiscal year 2002, and  
\$12,659,000,000 for fiscal year 2003, of which—

AMENDMENT No. 1447

On page 5, strike lines 15 through 20 and insert the following:

title \$11,977,000,000 for fiscal year 1998,  
title \$11,949,000,000 for fiscal year 1999,  
title \$11,922,000,000 for fiscal year 2000,  
title \$11,950,000,000 for fiscal year 2001,  
title \$12,242,000,000 for fiscal year 2002, and  
\$12,659,000,000 for fiscal year 2003, of which—  
On page 10, line 9, insert “and for the purposes specified in subparagraph (A),” before “in the ratio”.

On page 159, line 21, strike “selection” and insert “bidding”.

On page 159, line 22, before the period, insert the following: “in accordance with subparagraph (C)”.

On page 160, line 16, strike the quotation marks and the following period.

On page 160, between lines 16 and 17, insert the following:

“(C) PROCEDURES THAT MAY BE APPROVED.—Under subparagraph (A), the Secretary may approve, for use by a State, only procedures that consist of—

“(i) formal design-build contracting procedures specified in a State statute; or

“(ii) in the case of a State that does not have a statute described in clause (i), the design-build selection procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m).”.

On page 161, line 14, strike “selection” and insert “competitive bidding”.

On page 206, strike lines 15 through 19 and insert the following:

(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of liquidation of the assets of the obligor.

On page 206, between lines 23 and 24, insert the following:

(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this chapter may be used for any non-Federal share of project costs required under title 23 or chapter 53 of title 49, United States Code, if the loan is repayable from non-Federal funds.

On page 212, strike lines 6 through 9 and insert the following:

(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of liquidation of the assets of the obligor.

On page 217, after line 20, strike “\$2,000,000,000” each place it appears and insert “\$2,300,000,000”.

On page 219, line 13, strike “authorized to be appropriated” and insert “made available”.

On page 227, strike lines 5 through 13 and insert the following:

“(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—

“(A) IN GENERAL.—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 an amount equal to 3 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 for alcohol-impaired driving programs.

“(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).

On page 294, lines 12 and 13, strike “paragraphs (1) and (3) of section 104(b)” and insert “section 104(b)(1)”.

On page 340, line 8, strike “subsection” and insert “section”.

On page 343, line 4, strike “subsection” and insert “section”.

On page 403, strike lines 11 through 13 and insert the following:

“(B) electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

On page 414, line 5, strike “that” and insert “only if the technologies”.

On page 415, line 14, strike “\$110,000,000” and insert “\$109,000,000”.

AMENDMENT No. 1448

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

**SEC. 11 . ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.**

(a) AMOUNTS.—For each of fiscal years 1999 through 2003, of the amounts made available under subsection (c)—

(2) the remainder of the amounts shall be apportioned among the States so that each State's percentage of the remainder for a fiscal year is equal to the State's percentage of the sum of—

(A) the total apportionments made under section 1102 and the amendments made by section 1102; and

(B) the total amounts made available for metropolitan planning under section 104(f) of title 23, United States Code; for the current fiscal year.

(b) OBLIGATION OF AMOUNTS.—Amounts apportioned under subsection (a)(2)—

(1) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(A) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(B) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(2) shall be available for any purpose eligible for funding under section 133 of that title; and

(3) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(c) 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—

- (2) \$6,000,000,000 for fiscal year 1999;
- (3) \$6,000,000,000 for fiscal year 2000;
- (4) \$6,000,000,000 for fiscal year 2001;
- (5) \$6,000,000,000 for fiscal year 2002; and
- (6) \$6,000,000,000 for fiscal year 2003;

AMENDMENT No. 1449

On page 104, strike lines 4 through 19 and insert the following:

(b) REMOVAL OF CORRIDOR.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking “(b) The Commission” and inserting the following:

“(b) DESIGNATIONS.—  
“(1) IN GENERAL.—The Commission”; and  
(3) by adding at the end the following:  
“(2) REMOVAL OF CORRIDOR.—The Appalachian development highway system shall not include Corridor H in Virginia.”.

AMENDMENT No. 1450

On page 7, strike lines 16 through 20.

On page 43, line 12, strike “and”.

On page 43, line 13, strike “(xi)” and insert “(xii)”.

On page 85, line 10, strike “sections 103 and” and insert “section”.

On page 92, line 5, strike “(2)” and insert “(1)”.

On page 92, line 11, strike “(3)” and insert “(2)”.

On page 92, line 17, strike “(4)” and insert “(3)”.

On page 93, line 3, strike “(5)” and insert “(4)”.

On page 93, line 6, strike “(6)” and insert “(5)”.

On page 290, line 24, strike “agencies” and insert “departments”.

Beginning on page 91, strike line 24 and all that follows through page 92, line 4.

AMENDMENT No. 1451

On page 105, strike lines 17 through 20 and insert the following:

“(B) OBLIGATION AUTHORITY.—For each fiscal year, the Secretary shall provide obligation authority for the amount made available under subparagraph (A) in an amount equal to the product obtained by multiplying—

“(i) the amount made available for the fiscal year under subparagraph (A); by

“(ii) the ratio that—

“(I) the amount of obligation authority made available for Federal-aid highways and highway safety construction programs under appropriations Acts for the fiscal year; bears to

“(II) the total of the sums made available for Federal-aid highways and highway safety construction programs for the fiscal year.”

AMENDMENT No. 1452

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 provides, as a minimum penalty, that—

“(A) an individual convicted of a first offense for driving while intoxicated or driving under the influence shall receive a driver's license suspension for not less than 180 days;

“(B) an individual convicted of a second offense for driving while intoxicated or driving under the influence within 10 years after a previous conviction for that offense whose alcohol concentration with respect to the second offense was determined on the basis of a chemical test to be prohibited under State law shall receive—

“(i) a driver’s license suspension for not less than 1 year;

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

“(iii)(I) an assignment of not less than 30 days of community service; or

“(II) not less than 5 days of imprisonment; and

“(C) an individual convicted of a third or subsequent offense for driving while intoxicated or driving under the influence within 10 years after the previous conviction for that offense whose alcohol concentration with respect to the previous offense was determined on the basis of a chemical test to be prohibited under State law shall—

“(i) receive a permanent driver’s license revocation; and

“(ii) be subject to—

“(I) vehicle forfeiture; or

“(II) installation of an ignition interlock system.

“(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—

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

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

“(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.—

“(A) IN GENERAL.—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—

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

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

“(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).”

AMENDMENT NO. 1453

Beginning on page 91, strike line 24 and all that follows through page 92, line 4.

AMENDMENT NO. 1454

On page 7, strike lines 16 through 20. On page 43, line 12, strike “and”. Beginning on page 91, strike line 24 and all that follows through page 92, line 4.

AMENDMENT NO. 1455

On page 8, line 20, after “139(a)”, insert the following: “(as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”.

On page 275, line 8, insert “in the transportation improvement program” after “individually”.

On page 275, line 13, insert “in the transportation improvement program” after “individually”.

On page 265, line 17, insert “with respect to a transportation management area” after “(A)”.

On page 265, line 19, insert “for the transportation management area” before “complies”.

AMENDMENT NO. 1456

On page 301, line 11, strike “program”.

AMENDMENT NO. 1457

On page 266, line 11, strike “metropolitan” and insert “transportation management”.

On page 266, lines 12 and 13, strike “metropolitan planning organization” and insert “transportation management area”.

On page 8, lines 5 and 6, strike “National Highway System” and insert “Interstate and National Highway System program”.

On page 357, line 1, strike “SET ASIDE” and insert “SET-ASIDE”.

On page 266, lines 3 and 4, strike “metropolitan planning process is not certified,” and insert “transportation management area is not certified under subparagraph (A),”.

AMENDMENT NO. 1458

On page 43, line 12, strike “and”.

On page 43, between lines 15 and 16, insert the following:

“(xii) amounts set aside under section 104(d) for operation lifesaver and railway-highway crossing hazard elimination in high speed rail corridors; and”.

MOYNIHAN AMENDMENTS NOS. 1459–1492

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted 34 amendments intended to be proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1459

Beginning on page 21, strike line 15 and all that follows through page 23, line 8, and insert the following:

“(C) the total apportionments for fiscal year 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

“(i) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

“(ii) apportionments for the Federal lands highways program under section 204 of that title; and

“(iii) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

“(D) the product obtained by multiplying—

“(i) the annual average of the total apportionments determined under subparagraph (B); and

“(ii) the applicable percentage determined under paragraph (2); and

“(E) the product obtained by multiplying—

“(i) the total apportionments determined under subparagraph (C); by

“(ii) the applicable percentage determined under paragraph (2).

“(2) APPLICABLE PERCENTAGES.—

“(A) FISCAL YEAR 1998.—For fiscal year 1998—

“(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

“(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 103 percent.

Beginning on page 26, strike line 14 and all that follows through page 27, line 12, and insert the following:

“(ii) the product determined with respect to the State under paragraph (1)(E).

On page 30, strike lines 17 through 18 and insert the following table:

State	Percentage
Alaska .....	1.24
Arkansas .....	1.33
Delaware .....	0.47
Hawaii .....	0.55
Idaho .....	0.82
Maine .....	0.57
Montana .....	1.06
Nevada .....	0.73
New Hampshire .....	0.52
New Jersey .....	2.41
New Mexico .....	1.05
North Dakota .....	0.73
Rhode Island .....	0.58
South Dakota .....	0.78
Vermont .....	0.47
West Virginia .....	1.05
Wyoming .....	0.76

“(b) TREATMENT OF ALLOCATIONS.—

AMENDMENT NO. 1460

Beginning on page 21, strike line 15 and all that follows through page 23, line 15, and insert the following:

“(C) the product obtained by multiplying—

“(i) the annual average of the total apportionments determined under subparagraph (B); by

“(ii) the applicable percentage determined under paragraph (2); and

“(D) the product obtained by multiplying—

“(i) annual average of total apportionments determined under subparagraph (B); by

“(ii) the applicable percentage determined under paragraph (2).

“(2) APPLICABLE PERCENTAGES.—

“(A) FISCAL YEAR 1998.—For fiscal year 1998—

“(i) the applicable percentage referred to in paragraph (1)(C)(ii) shall be 145 percent; and

“(ii) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 107 percent.

“(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(C)(ii) of (1)(D)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

On page 24, line 10, strike “(1)(D)” and insert “(1)(C)”.

On page 24, line 19, strike “(1)(D)” and insert “(1)(C)”.

On page 26, line 17, strike "(1)(E)" and insert "(1)(D)".

On page 28, line 20, insert the following:  
 "(5) Notwithstanding any other provision of this subsection, in each of the fiscal years 1998 through 2003, funds apportioned under this subsection shall not increase Massachusetts's share to more than 75 percent of its total fiscal year 1997 Federal-aid highway apportionment." On page 30, line 11, strike "1102(c)(1)(D)" and insert "1102(c)(1)(C)".

AMENDMENT NO. 1461

On page 21, strike line 8 and all that follows through page 23, line 14, and insert the following:

"(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

"(i) apportionments authorized under section 104 of that title for the construction of the Interstate System;

"(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

"(iii) apportionments for the Federal lands highways program under section 204 of that title; and

"(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); Interstate substitute

"(C) The product obtained by multiplying—

"(i) the annual average of the total apportionments determined under subparagraph (B); by

"(ii) the applicable percentage determined under paragraph (2).

"(D) The product obtained by multiplying—

"(i) the annual average of the total apportionments determined under subparagraph (B); by

"(ii) the applicable percentage determined under paragraph (2).

"(2) APPLICABLE PERCENTAGES.—

"(A) FISCAL YEAR 1998.—For fiscal year—

"(i) the applicable percentage referred to in paragraph (1)(C)(ii) shall be 145 percent; and

"(ii) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 107 percent.

"(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 to 2003, the applicable percentage referred to in paragraph (1)(C)(ii) or (1)(D)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

On page 24, line 10, strike "(1)(D)" and insert "(1)(C)".

On page 24, line 19, strike "(1)(D)" and insert "(1)(C)".

On page 26, line 17, strike "(1)(E)" and insert "(1)(D)".

On page 30, line 11, strike "1102(c)(1)(C)" and insert "1102(c)(1)(C)".

AMENDMENT NO. 1462

On page 39, line 9, strike all that follows through line 16 and redesignate the following subparagraphs (B) through (H) as (A) through (G).

On page 43, line 3, strike all that follows through line 8 and redesignate the following clauses (x) and (xi) as (ix) and (x).

AMENDMENT NO. 1463

On page 5, line 12 through page 7, line 2, strike and substitute the following in lieu thereof:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$12,788,000,000 for fiscal year 1998, \$12,625,000,000 for fiscal year 1999, \$12,644,000,000 for fiscal year 2000, \$12,742,000,000 for fiscal year 2001, \$13,045,000,000 for fiscal year 2002, and \$13,595,000,000 for fiscal year 2003, of which—

"(A) \$4,919,000,000 for fiscal year 1998, \$4,934,000,000 for fiscal year 1999, \$4,967,000,000 for fiscal year 2000, \$5,004,000,000 for fiscal year 2001, \$5,092,000,000 for fiscal year 2002, and \$5,239,000,000 for fiscal year 2003 shall be used for Interstate maintenance component; and

"(B) \$1,497,000,000 for fiscal year 1998, \$1,502,000,000 for fiscal year 1999, \$1,511,000,000 for fiscal year 2000, \$1,524,000,000 for fiscal year 2001, \$1,550,000,000 for fiscal year 2002, and \$1,595,000,000 for fiscal year 2003 shall be used for Interstate bridge component.

"(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,474,000,000 for fiscal year 1998, \$7,500,000,000 for fiscal year 1999, \$7,549,000,000 for fiscal year 2000, \$7,606,000,000 for fiscal year 2001, \$7,740,000,000 for fiscal year 2002, and \$7,974,000,000 for fiscal year 2003.

"(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,227,000,000 for fiscal year 1998, \$1,231,000,000 for fiscal year 1999, \$1,240,000,000 for fiscal year 2000, \$1,250,000,000 for fiscal year 2001, \$1,271,000,000 for fiscal year 2002, and \$1,309,000,000 for fiscal year 2003."

On page 29, strike lines 1 through page 30, line 17 and substitute the following:

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States specified in paragraph (3) amounts sufficient to ensure that the State's percentage of total apportionments for the fiscal year is—

"(A) not less than the percentage specified for the State in paragraph (3), but

"(B) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Transportation Act of 1997 for the fiscal year.

"(2) TOTAL APPORTIONMENTS.—For the purposes of this paragraph each State's total apportionments for the fiscal year is defined as those made—

"(A) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and congestion mitigation and air quality improvement program; and

"(B) under section 1102(c) of the Intermodal Transportation Act of 1997 for ISTEA transition;

"(3) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(A) for the specified State shall be determined in accordance with the following table:

State	Percentage
Alaska	1.25
Arkansas	1.34
Delaware	0.48
Hawaii	0.56
Idaho	0.83
Montana	1.07
Nevada	0.74
New Hampshire	0.53
New Jersey	2.42
New Mexico	1.06
North Dakota	0.74
Rhode Island	0.59
South Dakota	0.79
Vermont	0.48
Wyoming	0.77

AMENDMENT NO. 1464

On page 5, line 12 through page 7, line 2, strike and substitute the following in lieu thereof:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$12,496,000,000 for fiscal year 1998, \$12,332,000,000 for fiscal year 1999, \$12,351,000,000 for fiscal year 2000, \$12,447,000,000 for fiscal year 2001, \$12,745,000,000 for fiscal year 2002, and \$13,285,000,000 for fiscal year 2003, of which—

"(A) \$4,799,000,000 for fiscal year 1998, \$4,814,000,000 for fiscal year 1999, \$4,846,000,000 for fiscal year 2000, \$4,882,000,000 for fiscal year 2001, \$4,969,000,000 for fiscal year 2002, and \$5,114,000,000 for fiscal year 2003, shall be used for Interstate maintenance component; and

"(B) \$1,460,000,000 for fiscal year 1998, \$1,465,000,000 for fiscal year 1999, \$1,474,000,000 for fiscal year 2000, \$1,486,000,000 for fiscal year 2001, \$1,512,000,000 for fiscal year 2002, and \$1,557,000,000 for fiscal year 2003, shall be used for Interstate bridge component.

"(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,303,000,000 for fiscal year 1998, \$7,325,000,000 for fiscal year 1999, \$7,373,000,000 for fiscal year 2000, \$7,430,000,000 for fiscal year 2001, \$7,561,000,000 for fiscal year 2002, and \$7,782,000,000 for fiscal year 2003.

"(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,200,000,000 for fiscal year 1998, \$1,203,000,000 for fiscal year 1999, \$1,211,000,000 for fiscal year 2000, \$1,221,000,000 for fiscal year 2001, \$1,242,000,000 for fiscal year 2002, and \$1,279,000,000 for fiscal year 2003."

On page 30, line 1 strike "0.90" and substitute "0.85."

On page 30, after line 17, replace the table with the following:

State	Percentage
Alaska	1.25
Arkansas	1.34
Delaware	0.48
Hawaii	0.56
Idaho	0.83
Montana	1.07
Nevada	0.74
New Hampshire	0.53
New Jersey	2.42
New Mexico	1.06
North Dakota	0.74
Rhode Island	0.59
South Dakota	0.79
Vermont	0.48
Wyoming	0.77

AMENDMENT NO. 1465

On page 5, line 12 through page 7, line 2, strike and substitute the following in lieu thereof:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$12,051,000,000 for fiscal year 1998, \$11,878,000,000 for fiscal year 1999, \$11,890,000,000 for fiscal year 2000, \$11,987,000,000 for fiscal year 2001, \$12,316,000,000 for fiscal year 2002, and \$12,857,000,000 for fiscal year 2003, of which—

"(A) \$4,628,000,000 for fiscal year 1998, \$4,636,000,000 for fiscal year 1999, \$4,665,000,000 for fiscal year 2000, \$4,702,000,000 for fiscal year 2001, \$4,802,000,000 for fiscal year 2002, and \$4,948,000,000 for fiscal year 2003 shall be used for Interstate maintenance component; and

"(B) \$1,408,000,000 for fiscal year 1998, \$1,411,000,000 for fiscal year 1999, \$1,419,000,000 for fiscal year 2000, \$1,432,000,000 for fiscal year 2001, \$1,462,000,000 for fiscal year 2002, and \$1,506,000,000 for fiscal year 2003 shall be used for Interstate bridge component.

"(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program

under section 133 of that title \$7,042,000,000 for fiscal year 1998, \$7,056,000,000 for fiscal year 1999, \$7,098,000,000 for fiscal year 2000, \$7,156,000,000 for fiscal year 2001, \$7,307,000,000 for fiscal year 2002, and \$7,529,000,000 for fiscal year 2003.

“(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,157,000,000 for fiscal year 1998, \$1,159,000,000 for fiscal year 1999, \$1,166,000,000 for fiscal year 2000, \$1,176,000,000 for fiscal year 2001, \$1,200,000,000 for fiscal year 2002, and \$1,237,000,000 for fiscal year 2003.”

On page 29, strike lines 7 through page 29, line 19 and substitute the following in lieu thereof:

“(i) each State’s percentage of total apportionments for the fiscal year under section 104 for the Interstate and National Highway System Program, the Surface Transportation Program, Metropolitan Planning, and the Congestion Mitigation and Air Quality Improvement Program; and bears to

On page 30, strike lines 2 through 6 and substitute the following in lieu thereof:

“(B) in the case of a State specified in paragraph (2) the State’s percentage of total apportionments for the fiscal year described in clause (i) of subparagraph (A) plus the apportionments under section 1102(c) of the (Intermodal Surface Transportation Efficiency Act of 1991 for ISTEA transition is—”.

#### AMENDMENT NO. 1466

On page 150, strike line 5 and insert the following:

(c) MINIMUM PER CAPITA INTERSTATE MAINTENANCE DISCRETIONARY PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 119 the following:

#### “§119A. Minimum per capita Interstate maintenance discretionary program

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—There is established a minimum per capita Interstate maintenance discretionary program (referred to in this section as the ‘program’) to ensure that each State that receives, for any fiscal year, less than 90 percent of the national average Federal-aid highway program apportionments per capita has sufficient resources to preserve and enhance the routes on the Interstate System in the State.

“(2) USE OF FUNDS.—Funds available for the program—

“(A) shall be used to supplement apportionments for the Interstate maintenance component of the Interstate and National Highway System program; and

“(B) may be used for any project eligible for funding under section 119.

“(3) SELECTION OF PROJECTS.—Projects to be funded under the program shall be proposed by a State and selected by the Secretary.

“(b) ELIGIBILITY FOR PARTICIPATION.—

“(1) IN GENERAL.—Each State with respect to which the total apportionments per capita (as determined under paragraph (2)(A)) is less than 90 percent of the national average of the total apportionments per capita (as determined under paragraph (2)(B)) shall be eligible to receive an allocation under the program.

“(2) DETERMINATIONS.—For each fiscal year, with respect to each State, the Secretary shall determine—

“(A) the quotient obtained by dividing—

“(i) the sum of—

“(I) the amounts apportioned to the State under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan plan-

ning, and the congestion mitigation and air quality improvement program; and

“(II) the amounts apportioned to the State under section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; by

“(ii) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce);

“(B) the quotient obtained by dividing—

“(i) the sum of the apportionments described in subparagraph (A)(i) to all States for the fiscal year; by

“(ii) the population of all of the States (as determined based on the latest available annual estimates prepared by the Secretary of Commerce); and

“(C) the difference between—

“(i) 90 percent of the amount determined under subparagraph (B); and

“(ii) the amount determined under subparagraph (A) with respect to the State.

“(c) ALLOCATION OF FUNDS FOR PROJECTS.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—For each fiscal year, with respect to each State eligible under subsection (b)(1), the Secretary shall determine the percentage that—

“(i) the difference determined with respect to the eligible State under subsection (b)(2)(C); bears to

“(ii) the sum of the differences determined with respect to all eligible States.

“(B) ADJUSTMENT.—The Secretary shall—

“(i) reduce any percentage determined under subparagraph (A) that is greater than 12 percent to 12 percent; and

“(ii) redistribute the percentage points equal to any reduction under clause (i) among other eligible States in proportion to the percentages determined under subparagraph (A) with respect to those States.

“(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall allocate to each eligible State to carry out projects described in subsection (a)(2) an amount equal to the amount obtained by multiplying—

“(A) the percentage for the eligible State determined under paragraph (1); by

“(B) the amount of funds made available to carry out the program for the fiscal year.

“(3) SELECTION OF PROJECTS.—

“(A) DEADLINES FOR SUBMISSION OF PROPOSED PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline shall not be earlier than January 1, 1998.

“(B) EFFECT OF FAILURE TO SUBMIT SUFFICIENT PROPOSED PROJECTS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (A), applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary’s discretion, 1/3 of the amount by which the estimated cost of the State’s applications is less than 3 times the amount for the State determined under paragraph (2).

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$100,000,000 for each of fiscal years 1998 through 2003.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 119 the following:

“119A. Minimum per capita Interstate maintenance discretionary program.”.

(d) CONFORMING AMENDMENTS.—

#### AMENDMENT NO. 1467

Beginning on page 7, strike line 4 and all that follows through page 91, line 21 and insert the following:

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$191,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$84,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

#### SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than

bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall

be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) 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.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (I)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (I)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

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

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”

(c) ISTEA TRANSITION.—

(I) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of

the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—  
(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—  
(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—  
(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and  
(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by  
(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

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

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

**“§ 105. Minimum guarantee**

“(a) ADJUSTMENT.—

“(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

“(A) the ratio that—

“(i) each State’s percentage of the total apportionments for the fiscal year—

“(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

“(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

“(ii) each State’s percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

“(B) in the case of a State specified in paragraph (2), the State’s percentage of the total apportionments for the fiscal year de-

scribed in subclauses (I) and (II) of subparagraph (A)(i) is—

“(i) not less than the percentage specified for the State in paragraph (2); but

“(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

“State	Percentage
Alaska .....	1.24
Arkansas .....	1.33
Delaware .....	0.47
Hawaii .....	0.55
Idaho .....	0.82
Montana .....	1.06
Nevada .....	0.73
New Hampshire .....	0.52
New Jersey .....	2.41
New Mexico .....	1.05
North Dakota .....	0.73
Rhode Island .....	0.58
South Dakota .....	0.78
Vermont .....	0.47
Wyoming .....	0.76.

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.”

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

“105. Minimum guarantee.”

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.”

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting “NOTIFICATION TO STATES.—” after “(e)”;  
(B) in the first sentence—

(i) by striking “(other than under subsection (b)(5) of this section)”; and  
(ii) by striking “and research”;

(C) by striking the second sentence; and

(D) in the last sentence, by striking “, except that” and all that follows through “such funds”; and

(2) in subsection (f)—



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

“(f) METROPOLITAN PLANNING.—

“(1) SET-ASIDE.—On”;

(B) by striking “(2) These” and inserting the following:

“(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These”;

(C) by striking “(3) The” and inserting the following:

“(3) USE OF FUNDS.—The”;

(D) by striking “(4) The” and inserting the following:

“(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The”.

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking “, 104(b)(2), and 104(b)(6)” and inserting “and 104(b)(2)”.

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking “AFTER THE FIRST YEAR” and inserting “IN GENERAL”;

(II) by striking “, 104(b)(2), 104(b)(5), and 104(b)(6)” and inserting “and 104(b)(2)”;

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraph (1)”;

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

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

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

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

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

(C) Section 141(c) of title 23, United States Code, is amended by striking “section 104(b)(5) of this title” each place it appears and inserting “section 104(b)(1)(A)”.

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

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking “(5) of” each place it appears and inserting “(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of”;

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking “section 104(b)(5)(A)” each place it appears and inserting “section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(II) in paragraph (1)(A)(ii), by striking “section 104(b)(5)(B)” and inserting “section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(III) in paragraph (3)(B), by striking “(5)(B)” and inserting “(5)(B) (as in effect on the day before the date of enactment of the

Intermodal Surface Transportation Efficiency Act of 1997)”;

(IV) in paragraphs (3) and (4), by striking “section 104(b)(5)” each place it appears and inserting “section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”.

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

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking “sections 130, 144, and 152 of this title” and inserting “subsection (b)(1)(B) and sections 130 and 152”;

(ii) in the first and second sentences—

(I) by striking “section” and inserting “provision”;

(II) by striking “such sections” and inserting “those provisions”;

(iii) in the third sentence—

(I) by striking “section 144” and inserting “subsection (b)(1)(B)”;

(II) by striking “subsection (b)(1)” and inserting “subsection (b)(1)(C)”.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking “104(b)(2), 104(b)(3), 104(f), 144,” and inserting “104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),”;

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

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

(D) Section 151(d) of title 23, United States Code, is amended by striking “section 104(a), section 307(a), and section 144 of this title” and inserting “subsections (a) and (b)(1)(B) of section 104 and section 307(a)”.

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

(F) Section 303(g) of title 23, United States Code, is amended by striking “section 144 of this title” and inserting “section 104(b)(1)(B)”.

#### SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) \$21,800,000,000 for fiscal year 1998;

(2) \$22,802,000,000 for fiscal year 1999;

(3) \$22,939,000,000 for fiscal year 2000;

(4) \$23,183,000,000 for fiscal year 2001;

(5) \$23,699,000,000 for fiscal year 2002; and

(6) \$24,548,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

“(g) OBLIGATION AUTHORITY.—

“(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

“(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

“(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

“(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

“(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

“(C) notwithstanding subparagraphs (A) and (B), not distribute—

“(i) amounts deducted under section 104(a) for administrative expenses;

“(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

“(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

“(iv) amounts made available under section 111 of title 49;

“(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

“(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

“(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

“(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

“(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

“(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

“(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

(2) REDISTRIBUTION.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

“(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

“(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).”

(e) **APPLICABILITY OF OBLIGATION LIMITATIONS.**—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

**SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.**

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) **OBLIGATION AUTHORITY.**—

“(1) **IN GENERAL.**—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

“(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

“(B) the ratio that—

“(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

“(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

“(2) **JOINT RESPONSIBILITY.**—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).”

**SEC. 1105. EMERGENCY RELIEF.**

(a) **FEDERAL SHARE.**—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking “highway system” and inserting “highway”.

(b) **ELIGIBILITY AND FUNDING.**—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

“(a) **GENERAL ELIGIBILITY.**—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

“(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

“(2) catastrophic failure from any external cause.

“(b) **RESTRICTION ON ELIGIBILITY.**—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

“(c) **FUNDING.**—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

“(1) Not more than \$100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

“(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.”

(4) in subsection (d) (as so redesignated), by striking “subsection (c)” both places it appears and inserting “subsection (e)”; and

(5) in subsection (e) (as so redesignated), by striking “on any of the Federal-aid highway systems” and inserting “Federal-aid highways”.

(c) **SAN MATEO COUNTY, CALIFORNIA.**—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

**SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.**

(a) **FEDERAL SHARE PAYABLE.**—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(j) **USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.**—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

“(k) **USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.**—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.”

(b) **AVAILABILITY OF FUNDS.**—Section 203 of title 23, United States Code, is amended by adding at the end the following: “Notwithstanding any other provision of law, the authorization by the Secretary of engineering

and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to the pay the Federal share of the cost of the project.”

(c) **PLANNING AND AGENCY COORDINATION.**—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

“(2) **TRANSPORTATION PLANNING PROCEDURES.**—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

“(3) **APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.**—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

“(4) **INCLUSION IN OTHER PLANS.**—All regionally significant Federal lands highways program projects—

“(A) shall be developed in cooperation with States and metropolitan planning organizations; and

“(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

“(5) **INCLUSION IN STATE PROGRAMS.**—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

“(6) **DEVELOPMENT OF SYSTEMS.**—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.”

(2) in subsection (b), by striking the first 3 sentences and inserting the following: “Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.”

(3) in the first sentence of subsection (e), by striking “Secretary of the Interior” and inserting “Secretary of the appropriate Federal land management agency”;

(4) in subsection (h), by adding at the end the following:

“(8) A project to build a replacement of the federally owned bridge over the Hoover Dam

in the Lake Mead National Recreation Area between Nevada and Arizona.”;

(5) by striking subsection (i) and inserting the following:

“(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

“(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section.”; and

(6) in subsection (j), by striking the second sentence and inserting the following: “The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).”.

**SEC. 1107. RECREATIONAL TRAILS PROGRAM.**

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

**“§206. Recreational trails program**

“(a) DEFINITIONS.—

“(1) MOTORIZED RECREATION.—The term ‘motorized recreation’ means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

“(2) RECREATIONAL TRAIL; TRAIL.—The term ‘recreational trail’ or ‘trail’ means a thoroughfare or track across land or snow, used for recreational purposes such as—

“(A) pedestrian activities, including wheelchair use;

“(B) skating or skateboarding;

“(C) equestrian activities, including carriage driving;

“(D) nonmotorized snow trail activities, including skiing;

“(E) bicycling or use of other human-powered vehicles;

“(F) aquatic or water activities; and

“(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

“(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the ‘program’).

“(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

“(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

“(A) permissible under other law;

“(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.);

“(C) approved by the administering agency of the State designated under paragraph (2); and

“(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renew-

able Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

“(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

“(d) USE OF APPORTIONED FUNDS.—

“(1) IN GENERAL.—Funds made available under this section shall be obligated for trails and trail-related projects that—

“(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

“(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.).

“(2) PERMISSIBLE USES.—Permissible uses of funds made available under this section include—

“(A) maintenance and restoration of existing trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

“(C) purchase and lease of trail construction and maintenance equipment;

“(D) construction of new trails;

“(E) acquisition of easements and fee simple title to property for trails or trail corridors;

“(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

“(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

“(3) USE OF APPORTIONMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

“(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

“(ii) 30 percent shall be used for uses relating to motorized recreation; and

“(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

“(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

“(C) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

“(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

“(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

“(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

“(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

“(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

“(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section; may be credited toward the non-Federal share of the cost of the project.

“(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

“(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) USES NOT PERMITTED.—A State may not obligate funds apportioned under this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan; or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails

predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

“(h) PROJECT ADMINISTRATION.—

“(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

“(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

“(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

“(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

“(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).

“(4) COOPERATION BY PRIVATE PERSONS.—

“(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

“(B) PUBLIC ACCESS.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

“(i) APPORTIONMENT.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State that meets the requirements of subsection (c).

“(2) APPORTIONMENT.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

“(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

“(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of non-highway recreational fuel used in each eligible State during the preceding year.

“(j) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

“(2) USE OF CONTRACTS.—To carry out research funded under paragraph (1), the Secretary may—

“(A) enter into contracts with for-profit organizations; and

“(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

“(k) 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 \$17,000,000 for fiscal year 1998, \$20,000,000 for fiscal year 1999, \$22,000,000 for fiscal year 2000, \$23,000,000 for fiscal year 2001, \$24,000,000 for fiscal year 2002, and \$25,000,000 for fiscal year 2003.

“(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, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.”

(b) CONFORMING AMENDMENTS.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

“206. Recreational trails program.”

**SEC. 1108. VALUE PRICING PILOT PROGRAM.**

(a) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking “CONGESTION” and inserting “VALUE”; and

(2) in paragraph (1), by striking “congestion” each place it appears and inserting “value”.

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking “5” and inserting “15”.

(c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.—Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after “Secretary shall fund” the following: “all preimplementation costs and project design, and”; and

(2) by inserting after “Secretary may not fund” the following: “the implementation costs of”.

(d) TOLLING.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking “a pilot program under this section, but not on more than 3 of such programs” and inserting “any value pricing pilot program under this subsection.”

(e) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

“(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.”

(f) FUNDING.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

“(7) 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 \$8,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY.—

“(i) IN GENERAL.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last

day of the fiscal year for which the funds are authorized.

“(ii) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds \$8,000,000 as of September 30 of any year, the excess amount—

“(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

“(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

“(III) shall be available for any purpose eligible for funding under section 133 of that title.

“(C) 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, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.”

(g) CONFORMING AMENDMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking “projects” each place it appears and inserting “programs”; and

(2) in paragraph (5)—

(A) by striking “projects” and inserting “programs”; and

(B) by striking “traffic, volume” and inserting “traffic volume”.

**SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.**

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

**“§ 143. Highway use tax evasion projects**

“(a) DEFINITION OF STATE.—In this section, the term ‘State’ means the 50 States and the District of Columbia.

“(b) PROJECTS.—

“(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

“(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

“(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

“(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

“(A) to expand efforts to enhance motor fuel tax enforcement;

“(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

“(C) to supplement motor fuel tax examinations and criminal investigations;

“(D) to develop automated data processing tools to monitor motor fuel production and sales;

“(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

“(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

“(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

“(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

“(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

“(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(A) IN GENERAL.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$5,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY OF FUNDS.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

“(c) EXCISE FUEL REPORTING SYSTEM.—

“(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the ‘system’).

“(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

“(A) the Internal Revenue Service shall develop and maintain the system through contracts;

“(B) the system shall be under the control of the Internal Revenue Service; and

“(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

“(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

“(A) \$8,000,000 for development of the system; and

“(B) \$2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.”.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

“143. Highway use tax evasion projects.”.

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking “section 1040 of this Act” and inserting “section 143 of title 23, United States Code.”; and

(B) by striking subsection (h).

**SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.**

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting “pedestrian walkways and” after “construction of”; and

(B) by striking “(other than the Interstate System)”;

(2) in subsection (e), by striking “, other than a highway access to which is fully controlled.”;

(3) by striking subsection (g) and inserting the following:

“(g) PLANNING AND DESIGN.—

“(1) IN GENERAL.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

“(2) CONSTRUCTION.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

“(3) SAFETY AND CONTIGUOUS ROUTES.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.”;

(4) in subsection (h)—

(A) by striking “No motorized vehicles shall” and inserting “Motorized vehicles may not”; and

(B) by striking paragraph (3) and inserting the following:

“(3) wheelchairs that are powered; and”; and

(5) by striking subsection (j) and inserting the following:

“(j) DEFINITIONS.—In this section:

“(1) BICYCLE TRANSPORTATION FACILITY.—The term ‘bicycle transportation facility’ means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

“(2) PEDESTRIAN.—The term ‘pedestrian’ means any person traveling by foot or any mobility impaired person using a wheelchair.

“(3) WHEELCHAIR.—The term ‘wheelchair’ means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.”.

**SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.**

(a) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$16,600,000, as adjusted by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and economically disadvantaged individuals” has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who

are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

**SEC. 1112. FEDERAL SHARE PAYABLE.**

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: “In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.”; and

(2) by adding at the end the following:

“(1) CREDIT FOR NON-FEDERAL SHARE.—

“(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

“(2) MAINTENANCE OF EFFORT.—

“(A) IN GENERAL.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

“(B) CONDITIONS ON RECEIPT OF CREDIT.—

“(i) AGREEMENT WITH THE SECRETARY.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

“(ii) EXCEPTION.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

“(3) TREATMENT.—

“(A) IN GENERAL.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

“(B) CHARTERED MULTISTATE AGENCIES.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

“(C) NO ADDITIONAL STANDARDS.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.”.

**SEC. 1113. STUDIES AND REPORTS.**

(a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

(1) METHODOLOGY.—

(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the "model").

(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) STATE INVESTMENT PLANS.—

(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) REQUIRED ELEMENTS.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) INTERNATIONAL ROUGHNESS INDEX.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) REQUIRED ELEMENTS.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) REPORTING OF RATES OF OBLIGATION.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

“(j) REPORTING OF RATES OF OBLIGATION.—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

“(1) program;

“(2) funding category or subcategory;

“(3) type of improvement;

“(4) State; and

“(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.”.

**SEC. 1114. DEFINITIONS.**

(a) FEDERAL-AID HIGHWAY FUNDS AND PROGRAM.—

(1) IN GENERAL.—Section 101(a) of title 23, United States Code, is amended by inserting

before the undesignated paragraph defining “Federal-aid highways” the following:

“The term ‘Federal-aid highway funds’ means funds made available to carry out the Federal-aid highway program.

“The term ‘Federal-aid highway program’ means all programs authorized under chapters 1, 3, and 5.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 101(d) of title 23, United States Code, is amended by striking “the construction of Federal-aid highways or highway planning, research, or development” and inserting “the Federal-aid highway program”.

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking “Federal-aid highways and the highway safety construction programs” and inserting “the Federal-aid highway program”.

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking “Federal-aid highways” and inserting “the Federal-aid highway program”.

(b) ALPHABETIZATION OF DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

**SEC. 1115. MINIMUM PER CAPITA INTERSTATE MAINTENANCE DISCRETIONARY PROGRAM.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 119 the following:

“**§ 119a. Minimum per capita Interstate maintenance discretionary program**

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—There is established a minimum per capita Interstate maintenance discretionary program (referred to in this section as the ‘program’) to ensure that each State that receives, for any fiscal year, less than 90 percent of the national average Federal-aid highway program apportionments per capita has sufficient resources to preserve and enhance the routes on the Interstate System in the State.

“(2) USE OF FUNDS.—Funds available for the program—

“(A) shall be used to supplement apportionments for the Interstate maintenance component of the Interstate and National Highway System program; and

“(B) may be used for any project eligible for funding under section 119.

“(3) SELECTION OF PROJECTS.—Projects to be funded under the program shall be proposed by a State and selected by the Secretary.

“(b) ELIGIBILITY FOR PARTICIPATION.—

“(1) IN GENERAL.—Each State with respect to which the total apportionments per capita (as determined under paragraph (2)(A)) is less than 90 percent of the national average of the total apportionments per capita (as determined under paragraph (2)(B)) shall be eligible to receive an allocation under the program.

“(2) DETERMINATIONS.—For each fiscal year, with respect to each State, the Secretary shall determine—

“(A) the quotient obtained by dividing—

“(i) the sum of—

“(I) the amounts apportioned to the State under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

“(II) the amounts apportioned to the State under section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; by

“(ii) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce);

“(B) the quotient obtained by dividing—

“(i) the sum of the apportionments described in subparagraph (A)(i) to all States for the fiscal year; by

“(ii) the population of all of the States (as determined based on the latest available annual estimates prepared by the Secretary of Commerce); and

“(C) the difference between—

“(i) 90 percent of the amount determined under subparagraph (B); and

“(ii) the amount determined under subparagraph (A) with respect to the State.

“(c) ALLOCATION OF FUNDS FOR PROJECTS.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—For each fiscal year, with respect to each State eligible under subsection (b)(1), the Secretary shall determine the percentage that—

“(i) the difference determined with respect to the eligible State under subsection (b)(2)(C); bears to

“(ii) the sum of the differences determined with respect to all eligible States.

“(B) ADJUSTMENT.—The Secretary shall—

“(i) reduce any percentage determined under subparagraph (A) that is greater than 12 percent to 12 percent; and

“(ii) redistribute the percentage points equal to any reduction under clause (i) among the other eligible States in proportion to the percentages determined under subparagraph (A) with respect to those States.

“(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall allocate to each eligible State to carry out projects described in subsection (a)(2) an amount equal to the amount obtained by multiplying—

“(A) the percentage for the eligible State determined under paragraph (1); by

“(B) the amount of funds made available to carry out the program for the fiscal year.

“(3) SELECTION OF PROJECTS.—

“(A) DEADLINES FOR SUBMISSION OF PROPOSED PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline shall not be earlier than January 1, 1998.

“(B) EFFECT OF FAILURE TO SUBMIT SUFFICIENT PROPOSED PROJECTS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (A), applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary’s discretion, 1/3 of the amount by which the estimated cost of the State’s applications is less than 3 times the amount for the State determined under paragraph (2).

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$89,000,000 for each of fiscal years 1998 through 2003.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 119 the following:

“119a. Minimum per capita Interstate maintenance discretionary program.”.

**SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING**

AMENDMENT NO. 1468

Beginning on page 118, strike line 3 and all that follows through page 122, line 4, and insert the following:

**SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE; MINIMUM PER CAPITA INTERSTATE MAINTENANCE DISCRETIONARY PROGRAM.**

(a) WOODROW WILSON MEMORIAL BRIDGE.—

(1) IN GENERAL.—Section 407(a) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by striking “(a)” and all that follows through the period at the end of paragraph (1) and inserting the following:

“(a) CONVEYANCES.—

“(1) CONVEYANCE TO STATES AND DISTRICT OF COLUMBIA.—

“(A) GENERAL AUTHORITY.—Not later than 60 days after the date of enactment of this subparagraph, the Secretary shall convey to the State of Virginia, the State of Maryland, and the District of Columbia all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project.

“(B) ACCEPTANCE OF TITLE.—Except as provided in paragraph (3), on conveyance by the Secretary, the State of Virginia, the State of Maryland, and the District of Columbia shall accept the right, title, and interest in and to the Bridge.

“(C) CONSOLIDATION OF JURISDICTION.—For the purpose of making the conveyance under this paragraph, the Secretary of the Interior and the head of any other Federal department or agency that has jurisdiction over the land adjacent to the Bridge shall transfer the jurisdiction to the Secretary.

“(D) FUNDS ALLOCATED.—No amounts set aside for Interstate 4R and bridge projects under section 104(k) of title 23, United States Code, may be allocated for the Bridge before the State of Virginia, the State of Maryland, and the District of Columbia accept right, title, and interest in and to the Bridge in accordance with this subsection.

“(2) CONVEYANCE TO AUTHORITY.—

“(A) IN GENERAL.—After execution of the agreement under subsection (c), the State of Virginia, the State of Maryland, and the District of Columbia shall convey to the Authority their respective rights, titles, and interests in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project.

“(B) ACCEPTANCE OF TITLE.—Except as provided in paragraph (3), on conveyance by the State of Virginia, the State of Maryland, and the District of Columbia, the Authority shall accept the right, title, and interest in and to the Bridge and all duties and responsibilities associated with the Bridge.”; and

(C) in paragraph (3) (as redesignated by subparagraph (A)), by striking “conveyance under paragraph (1)” and inserting “conveyances under this subsection”.

(2) CONFORMING AMENDMENT.—Section 409(3) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 632) is amended by striking “section 407(a)(2)” and inserting “section 407(a)(3)”.

(b) MINIMUM PER CAPITA INTERSTATE MAINTENANCE DISCRETIONARY PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 119 the following:

**“§119A. Minimum per capita Interstate maintenance discretionary program**

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—There is established a minimum per capita Interstate maintenance discretionary program (referred to in this section as the ‘program’) to ensure that each State that receives, for any fiscal year, less than 90 percent of the national average Federal-aid highway program apportion-

ments per capita has sufficient resources to preserve and enhance the routes on the Interstate System in the State.

“(2) USE OF FUNDS.—Funds available for the program—

“(A) shall be used to supplement apportionments for the Interstate maintenance component of the Interstate and National Highway System program; and

“(B) may be used for any project eligible for funding under section 119.

“(3) SELECTION OF PROJECTS.—Projects to be funded under the program shall be proposed by a State and selected by the Secretary.

“(b) ELIGIBILITY FOR PARTICIPATION.—

“(1) IN GENERAL.—Each State with respect to which the total apportionments per capita (as determined under paragraph (2)(A)) is less than 90 percent of the national average of the total apportionments per capita (as determined under paragraph (2)(B)) shall be eligible to receive an allocation under the program.

“(2) DETERMINATIONS.—For each fiscal year, with respect to each State, the Secretary shall determine—

“(A) the quotient obtained by dividing—

“(i) the sum of—

“(I) the amounts apportioned to the State under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

“(II) the amounts apportioned to the State under section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; by

“(i) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce);

“(B) the quotient obtained by dividing—

“(i) the sum of the apportionments described in subparagraph (A)(i) to all States for the fiscal year; by

“(ii) the population of all of the States (as determined based on the latest available annual estimates prepared by the Secretary of Commerce); and

“(C) the difference between—

“(i) 90 percent of the amount determined under subparagraph (B); and

“(ii) the amount determined under subparagraph (A) with respect to the State.

“(c) ALLOCATION OF FUNDS FOR PROJECTS.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—For each fiscal year, with respect to each State eligible under subsection (b)(1), the Secretary shall determine the percentage that—

“(i) the difference determined with respect to the eligible State under subsection (b)(2)(C); bears to

“(ii) the sum of the differences determined with respect to all eligible States.

“(B) ADJUSTMENT.—The Secretary shall—

“(i) reduce any percentage determined under subparagraph (A) that is greater than 12 percent to 12 percent; and

“(ii) redistribute the percentage points equal to any reduction under clause (i) among the other eligible States in proportion to the percentages determined under subparagraph (A) with respect to those States.

“(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall allocate to each eligible State to carry out projects described in subsection (a)(2) an amount equal to the amount obtained by multiplying—

“(A) the percentage for the eligible State determined under paragraph (1); by

“(B) the amount of funds made available to carry out the program for the fiscal year.

“(3) SELECTION OF PROJECTS.—

“(A) DEADLINES FOR SUBMISSION OF PROPOSED PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline shall not be earlier than January 1, 1998.

“(B) EFFECT OF FAILURE TO SUBMIT SUFFICIENT PROPOSED PROJECTS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (A), applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary’s discretion, 1/3 of the amount by which the estimated cost of the State’s applications is less than 3 times the amount for the State determined under paragraph (2).

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$89,000,000 for each of fiscal years 1998 through 2003.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 119 the following:

“119A. Minimum per capita Interstate maintenance discretionary program.”.

AMENDMENT NO. 1469

On page 88, lines 12 and 13, strike and substitute the following in lieu thereof:

“for all States; and

On page 88, line 25, strike the word “and” after the semi-colon and insert the following new clause:

“(ii) increase any percentage determined under subparagraph (A)(iii) that is less than 0.5 percent to 0.5 percent; and

On page 89, line 12, after the word “reduction” insert:

“or increase”

On page 89, line 3, after “(i)” insert “and (ii)”

AMENDMENT NO. 1470

At the end of chapter 1 of subtitle C of title I, add the following:

**SEC. 1302. TAX CREDIT FOR USER FEE HIGHWAYS.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 129 the following:

**“§129A. Payments for toll facilities**

“(a) DEFINITION OF CONTROLLING TOLL AUTHORITY.—In this section, the term ‘controlling toll authority’ means a public or private organization that operates and maintains highway, bridge, or tunnel facilities for the use of which a toll is collected.

“(b) PAYMENTS FOR TOLL FACILITIES.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program (referred to in this subsection as the ‘program’) to provide direct payments to a controlling toll authority in the amount of Federal motor fuel tax collections attributable to use of facilities—

“(A) that are operated and maintained by the authority; and

“(B) with respect to which the eligibility criteria specified in subsection (c) are met.

“(2) PROCEDURES.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine appropriate disbursement rules and procedures for the program.

“(B) TIMING OF PAYMENTS.—The Secretary shall make payments under the program to the controlling toll authority not less often than quarterly.

“(3) AMOUNT OF PAYMENTS.—The amount of the payments to each controlling toll authority for a fiscal year shall be equal to the



estimated amount of the Federal motor fuel tax collections that—

“(A) are deposited in the Highway Trust Fund (other than the Mass Transit Account); and

“(B) are attributable to travel on the facilities operated and maintained by the controlling toll authority in that fiscal year; as determined by the Secretary using the latest data available.

“(4) SOURCE OF FUNDS.—For each fiscal year, the Secretary shall make payments under the program using funds made available to carry out the following programs, in the following allocation:

“(A) 1/3 from the other National Highway System component of the Interstate and National Highway System program carried out under section 103(b).

“(B) 1/3 from the Interstate maintenance component of the Interstate and National Highway System program carried out under section 119.

“(C) 1/3 from the surface transportation program established under section 133.

“(c) ELIGIBILITY CRITERIA.—To be eligible under the program established under subsection (b), a controlling toll authority must be certified by the Secretary as meeting each of the following eligibility criteria:

“(1) COLLECTION OF TOLLS.—With respect to not less than 75 percent of the mileage of the highway, bridge, or tunnel facilities that the controlling toll authority operates and maintains, the authority collects tolls for the operation and maintenance of the facilities.

“(2) OTHER FUNDS.—While participating in the program, the controlling toll authority does not use funds from the Highway Trust Fund for the construction or maintenance of facilities operated and maintained by the controlling toll authority.

“(3) AUTOMATED TOLL COLLECTION TECHNOLOGY.—The controlling toll authority uses automated toll collection technology, at 1 or more locations where tolls are collected, that allows a user to pass through the toll collection system without stopping the user's vehicle.

“(4) VALUE PRICING.—The controlling toll authority has implemented differential-time-sensitive pricing strategies to mitigate congestion at 1 or more locations where tolls are collected.

“(5) NO DIVERSION.—The toll revenue collected by the controlling toll authority is used solely to pay for—

“(A) the operation and maintenance of, and debt service for, facilities operated and maintained by the controlling toll authority;

“(B) safety and law enforcement costs associated with the facilities;

“(C) the costs of transit or other measures that help alleviate congestion on the facilities; and

“(D) the costs of congestion pricing, electronic toll collection equipment, and environmental mitigation or enhancement projects directly related to the facilities.

“(d) EFFECT ON OTHER PROGRAMS.—Notwithstanding any other provision of law, the length of, number of vehicle miles traveled on, quantity of fuel used in travel on, or any other characteristic of a highway, bridge, or tunnel with respect to which payments are made under the program established under subsection (b) may not be taken into account in any apportionment calculation under section 104(b) or in any other apportionment calculation under this title, regardless of whether there is in effect any toll agreement with the State under section 105 of the Surface Transportation Assistance Act of 1978 (92 Stat. 2692) or under section 129(c).”

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by inserting

after the item relating to section 129 the following:

“129A. Payments for toll facilities.”.

(2) Section 104(b) of title 23, United States Code (as amended by section 1102(a)), is amended—

(A) in subparagraphs (A) and (C) of paragraph (1), by striking “For” each place it appears and inserting “After using funds under section 129A, for”; and

(B) in paragraph (3)(A), by striking “For the” and inserting “After using funds under section 129A, for the”.

AMENDMENT NO. 1471

On page 10, line 16, after the word “State” insert the following:

“multiplied by the average unit price of replacement and rehabilitation of such bridges on a State-by-State basis, as determined by the Secretary”.

On page 10, line 23, before the phrase “in all States” insert the following:

“multiplied by the average unit price of replacement and rehabilitation of such bridges”.

On page 12, line 17, after the word “State” insert the following:

“multiplied by the average unit price of replacement and rehabilitation of such bridges on a State-by State basis, as determined by the Secretary”.

On page 13, line 2, before the phrase “in all States” insert the following:

“multiplied by the average unit price of replacement and rehabilitation of such bridges”.

On page 19, line 8, after the word “State” insert the following:

“multiplied by the average unit price of replacement and rehabilitation of such bridges on a State-by State basis, as determined by the Secretary”.

On page 19, line 14, before the phrase “in all States”, insert the following:

“multiplied by the average unit price of replacement and rehabilitation of such bridges”.

On page 123, line 15, strike the word “and”.

On page 123, line 18, strike the period and insert “; and” at the end of the line and insert the following on the following line:

“(D) determine the cost of replacing each such bridge with a comparable facility or of rehabilitating such bridge.”

AMENDMENT NO. 1472

On page 11, line 9, strike “20” and substitute “25”.

On page 11, line 19, strike “29” and substitute “35”.

On page 12, line 5, strike “18” and substitute “25”.

On page 13, line 4, through 15, strike all language.

On page 13, line 11, strike “(V)9” and substitute “(IV)15”.

AMENDMENT NO. 1473

On page 11, line 9, strike “20” and substitute “22”.

On page 11, line 19, strike “29” and substitute “32”.

On page 12, line 5, strike “18” and substitute “20”.

On page 13, line 4, strike “24” and substitute “26”.

On page 13, line 11, through page 14, line 2, strike all language.

AMENDMENT NO. 1474

On page 18, line 10, strike “20” and substitute “30”.

On page 19, line 17, strike “30” and substitute “40”.

On page 19, line 1, strike “25” and substitute “30”.

On page 20, line 15 through 14, strike all language.

AMENDMENT NO. 1475

On page 5, line 12 through page 7, line 2, strike and substitute the following in lieu thereof:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$12,417,000,000 for fiscal year 1998, \$12,338,000,000 for fiscal year 1999, \$12,381,000,000 for fiscal year 2000, \$12,475,000,000 for fiscal year 2001, \$12,733,000,000 for fiscal year 2002, and, \$13,192,000,000 for fiscal year 2003, of which—

“(A) \$4,769,000,000 for fiscal year 1998, \$4,738,000,000 for fiscal year 1999, \$4,755,000,000 for fiscal year 2000, \$4,791,000,000 for fiscal year 2001, \$4,890,000,000 for fiscal year 2002, and \$5,066,000,000 for fiscal year 2003 shall be used for Interstate maintenance component; and

“(B) \$1,451,000,000 for fiscal year 1998, \$1,442,000,000 for fiscal year 1999, \$1,447,000,000 for fiscal year 2000, \$1,458,000,000 for fiscal year 2001, \$1,488,000,000 for fiscal year 2002, and \$1,542,000,000 for fiscal year 2003 shall be used for Interstate bridge component.

“(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,257,000,000 for fiscal year 1998, \$7,211,000,000 for fiscal year 1999, \$7,236,000,000 for fiscal year 2000, \$7,291,000,000 for fiscal year 2001, \$7,442,000,000 for fiscal year 2002, and \$7,710,000,000 for fiscal year 2003.

“(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,192,000,000 for fiscal year 1998, \$1,184,000,000 for fiscal year 1999, \$1,189,000,000 for fiscal year 2000, \$1,198,000,000 for fiscal year 2001, \$1,223,000,000 for fiscal year 2002, and \$1,267,000,000 for fiscal year 2003.”

On page 30, line 2 through page 30, line 17, strike all language.

AMENDMENT NO. 1476

At the end of the bill, add the following:

**TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF RECLAMATION PROGRAMS**

**SEC. 01. EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF RECLAMATION PROGRAMS.**

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term “agency expenditure” means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term “equitable State allocation”, with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term “State dollar contribution to the Federal Government”, with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from,

and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of the Interior, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Commissioner of Reclamation, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of the Interior.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

#### AMENDMENT NO. 1477

At the end of the bill, add the following:

### TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF LAND MANAGEMENT PROGRAMS

#### SEC. —01. EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF LAND MANAGEMENT PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term "agency expenditure" means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State dollar contribution to the Federal Government", with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of the Interior, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Director of the Bureau of Land Management, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of the Interior.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in

more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

#### AMENDMENT NO. 1478

On page 49, line 16, strike "section 104" and insert "this title or title 49".

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

(d) EQUITABLE ALLOCATION OF FUNDING UNDER FEDERAL LANDS HIGHWAYS PROGRAM AND COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—Section 202 of title 23, United States Code, is amended to read as follows:

#### "§ 202. Allocations

"(a) DEFINITIONS.—In this section—

"(1) AGENCY EXPENDITURE.—The term 'agency expenditure' means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

"(A) a grant or other form of financial assistance;

"(B) a payment under a contract;

"(C) compensation of an employee or consultant; or

"(D) any other form.

"(2) EQUITABLE STATE ALLOCATION.—The term 'equitable State allocation', with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

"(3) STATE.—The term 'State' means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(4) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term 'State dollar contribution to the Federal Government', with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

"(5) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term 'State percentage contribution to the Federal Government', with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

"(A) the State dollar contribution to the Federal Government by the State; bears to

"(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

"(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

"(1) the Secretary of the Treasury shall report to the Secretary the estimated amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

"(2) the Secretary shall determine with respect to the Department of Transportation, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

"(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

"(c) EQUITABLE STATE ALLOCATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

"(A) shall make agency expenditures in each State in each fiscal year under the Federal lands highways program under section

204 and the Cooperative Federal Lands Transportation Program under section 207 in an amount that is not less than the product obtained by multiplying—

“(i) 95 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under those programs in all of the States for the fiscal year; by

“(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

“(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not appropriate (as determined by the State transportation department), shall make the requisite amount of funding available for use in the State under any provision of this title or title 49.

“(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.”.

Beginning on page 87, strike line 24 and all that follows through page 91, line 3.

On page 91, line 4, strike “(d)” and insert “(b)”.

On page 91, line 7, strike “(e)” and insert “(c)”.

AMENDMENT No. 1479

At the end of the bill, add the following:

**TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER FOREST SERVICE PROGRAMS**

**SEC. —01. EQUITABLE ALLOCATION OF FUNDING UNDER FOREST SERVICE PROGRAMS.**

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term “agency expenditure” means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term “equitable State allocation”, with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(4) STATE.—The term “State” means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term “State dollar contribution to the Federal Government”, with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term “State percentage contribution to the Federal Government”, with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of Agriculture, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Chief of the Forest Service, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of Agriculture.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT No. 1480

At the end of the bill, add the following:

**TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER NATIONAL AERONAUTICS AND SPACE ADMINISTRATION PROGRAMS**

**SEC. —01. EQUITABLE ALLOCATION OF FUNDING UNDER NATIONAL AERONAUTICS AND SPACE ADMINISTRATION PROGRAMS.**

(a) DEFINITIONS.—In this section—

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.

(2) AGENCY EXPENDITURE.—The term “agency expenditure” means any payment made by the Administrator to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a grant or other form of financial assistance;

(B) a payment under a contract; compensation of an employee or consultant; or

(C) any other form.

(3) EQUITABLE STATE ALLOCATION.—The term “equitable State allocation”, with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(4) STATE.—The term “State” means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term “State dollar contribution to the Federal Government”, with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term “State percentage contribution to the Federal Government”, with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Administrator the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year; and

(2) the Administrator shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Administrator, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under—

(i) other programs administered by the Administrator; or

(ii) transfer funds to the Secretary of Transportation to fund programs that apportion funds to States that are administered by the Secretary under title 23 or 49 of the United States Code.

(2) IMPLEMENTATION.—If, but for this section, the Administrator would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Administrator shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Administrator to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT No. 1481

At the end of the bill add the following:

**TITLE \_\_\_—EQUITABLE ALLOCATION OF AIRPORT IMPROVEMENT PROGRAM FUNDING.**

DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term "Airport and Airway Trust Fund" means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State dollar contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(6) STATE PERCENTAGE CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State percentage contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that the State dollar contribution to the Airport and Airway Trust Fund bears to the aggregate of the State dollar contributions to the Airport and Airway Trust Fund collected from all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the fiscal year that are transferred to the Airport and Airway Trust Fund; and

(2) the Secretary shall determine the State dollar contribution to the Airport and Airway Trust Fund and State percentage contribution to the Airport and Airway Trust Fund of each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—

(A) ALLOCATION.—Notwithstanding any other provision of law, each State shall be entitled to receive under each program administered by the Secretary for which funds are authorized to be transferred from the Airport and Airway Trust Fund, an amount for a fiscal year that is not less than 90 percent of the amount that is equal to the aggregate amount to be paid under that program to all of the States for the fiscal year (adjusted for any administrative costs referred to in section 9502(d)(1)(C) of the Internal Revenue Code of 1986) multiplied by the State percentage contribution to the Airport and Airway Trust Fund for the fiscal year.

(B) RULE OF CONSTRUCTION.—Nothing in this section is intended to permit a use of amounts made available to a State under this section in a manner that does not meet the applicable requirements of part B of subtitle VII of title 49, United States Code.

(2) IMPLEMENTATION.—If, but for this section, a State would be entitled to receive less than the amount of its equitable State allocation under a program administered by the Secretary, the Secretary shall deduct from the amounts to be paid to States that would be entitled to receive more than the equitable State allocations for those States, pro rata, the amount necessary to enable the Secretary to pay the State the full amount of its equitable State allocation.

AMENDMENT No. 1482

On page 23, line 4, strike "145" and substitute "130" in lieu thereof:

AMENDMENT No. 1483

Beginning on page 150, strike line 5 and all that follows through page 155, line 5, and insert the following:

(c) PERFORMANCE BONUS PROGRAM.—Section 119 of title 23, United States Code (as amended by subsection (b)), is amended by adding at the end the following:

"(d) PERFORMANCE BONUS PROGRAM.—

"(1) IN GENERAL.—For fiscal year 1998 and each fiscal year thereafter, the Secretary, from funds made available under this subsection, shall allocate—

"(A) \$15,000,000 to each of the 5 States in which the percentage of Interstate System lane miles that is classified as being in fair condition or worse is the lowest; and

"(B) \$15,000,000 to each of the 5 States in which the percentage of the number of bridges on public roads that are structurally deficient is the lowest.

"(2) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$150,000,000 for each of fiscal years 1998 through 2003."

(d) CONFORMING AMENDMENTS.—

(1) Section 119(a) of title 23, United States Code, is amended in the first sentence by striking "; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in subsection (e)".

(2) Section 1009(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 119 note; 105 Stat. 1934) is amended by striking "section 119(f)(1)" and inserting "section 119(c)(1)".

**CHAPTER 2—PROJECT APPROVAL**

**SEC. 1221. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.**

Section 104 of title 23, United States Code (as amended by section 1118), is amended by inserting after subsection (k) the following:

"(l) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

"(1) TRANSFER OF HIGHWAY FUNDS.—Funds made available under this title and transferred for transit projects shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) TRANSFER OF TRANSIT FUNDS.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of that chapter relating to the non-Federal share shall apply to the transferred funds.

"(3) TRANSFER TO AMTRAK AND PUBLICLY-OWNED PASSENGER RAIL LINES.—Funds made available under this title or chapter 53 of title 49 and transferred to the National Railroad Passenger Corporation or to any publicly-owned intercity or intracity passenger rail line shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title or chapter 53 of title 49, as applicable, relating to the non-Federal share shall apply to the transferred funds.

"(4) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority provided for projects described in paragraphs (1) through (3) shall be transferred in the same manner and amount as the funds for the projects are transferred."

**SEC. 1222. PROJECT APPROVAL AND OVERSIGHT.**

(a) IN GENERAL.—Section 106 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**"§ 106. Project approval and oversight";**

(2) by redesignating subsections (e) and (f) as subsections (h) and (i), respectively;

(3) by striking subsections (a) through (d) and inserting the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require. The Secretary shall act upon such plans, specifications, and estimates as soon as practicable after they have been submitted, and shall enter into a formal project agreement with the State transportation department formalizing the conditions of the project approval. The execution of such project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

"(b) PROJECT AGREEMENT.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction. The Secretary may rely upon representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

"(1) NHS PROJECTS.—Except as otherwise provided in subsection (d) of this section, the Secretary may discharge to the State any of the Secretary's responsibilities for the design, plans, specifications, estimates, contract awards, and inspection of projects under this title on the National Highway System. Before discharging responsibilities to the State, the Secretary shall reach agreement with the State as to the extent to which the State may assume the responsibilities of the Secretary under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title as of September 30, 1997, except upon agreement by the Secretary and the State.

"(2) NON-NHS PROJECTS.—For all projects under this title that are off the National Highway System, the State may request that the Secretary no longer review and approve the design, plans, specifications, estimates, contract awards, and inspection of projects under this title. After receiving any such request, the Secretary shall undertake project review only as requested by the State.

"(d) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—Subject to paragraph (2), nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law other than this title.

"(2) LIMITATION.—Any responsibility or obligation of the Secretary under sections 113 and 114 of this title shall not be affected and may not be discharged under this section, section 133, or section 149.

"(e) VALUE ENGINEERING ANALYSIS.—In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering or other cost reduction analysis.

"(f) FINANCIAL PLAN.—The Secretary shall require a financial plan to be prepared for

any project with an estimated total cost of \$1,000,000,000 or more.

“(g) CONDITION OF METROPOLITAN HIGHWAYS; FISCAL CAPACITY.—Notwithstanding any other provision of law, before the Secretary approves any project that would result in the construction of a significant new highway or the addition of significant new capacity to an existing highway—

“(1) the State proposing the project shall—  
“(A) demonstrate to the Secretary that the State possesses sufficient fiscal capacity to ensure that the State will be capable of maintaining the physical condition of the new highway or highway capacity to the satisfaction of the Secretary over the useful life of the highway; and

“(B) agree to maintain the highway for the entirety of the useful life of the highway; and

“(2) the condition of not more than 40 percent of the lane miles of routes on the Interstate System and other freeways and expressways in the metropolitan areas of the State is classified as being poor or mediocre.”.

AMENDMENT NO. 1484

Strike all after the enacting clause and insert the following:

**SECTION 1. PURPOSES.**

The purposes of this Act are—

(1) to make funds available for the Federal-aid highway, highway safety, motor carrier safety, and mass transportation programs for the first 6 months of fiscal year 1998 by extending the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914) to ensure the continuation of the programs while a multiyear reauthorization is developed; and

(2) to provide a structure that allows programmatic, apportionment formula, and funding adjustments for the second 6 months of fiscal year 1998 through enactment of a law providing for a multiyear reauthorization.

**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 .....	2.0026
Alaska .....	1.0499

“State:	Percentage:
Arizona .....	1.4627
Arkansas .....	1.5268
California .....	8.9046
Colorado .....	1.0443
Connecticut .....	1.9229
Delaware .....	0.4057
District of Columbia .....	0.4436
Florida .....	4.4867
Georgia .....	3.2899
Hawaii .....	0.6435
Idaho .....	0.6314
Illinois .....	3.6779
Indiana .....	2.4581
Iowa .....	1.1364
Kansas .....	1.1383
Kentucky .....	1.6617
Louisiana .....	1.4831
Maine .....	0.6458
Maryland .....	1.4512
Massachusetts .....	3.5632
Michigan .....	3.0432
Minnesota .....	1.4547
Mississippi .....	1.1286
Missouri .....	2.2677
Montana .....	0.7857
Nebraska .....	0.7501
Nevada .....	0.6218
New Hampshire .....	0.4764
New Jersey .....	2.6851
New Mexico .....	0.8767
New York .....	5.7882
North Carolina .....	2.7408
North Dakota .....	0.5972
Ohio .....	3.4702
Oklahoma .....	1.5021
Oregon .....	1.1378
Pennsylvania .....	4.5007
Rhode Island .....	0.4708
South Carolina .....	1.6019
South Dakota .....	0.5990
Tennessee .....	2.0954
Texas .....	6.9197
Utah .....	0.6672
Vermont .....	0.4287
Virginia .....	2.4440
Washington .....	1.7603
West Virginia .....	1.1088
Wisconsin .....	2.0159
Wyoming .....	0.5999
Puerto Rico .....	0.4312.

“(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);

“(xiii) in an amount equal to the amount of funds provided under sections 1103 through 1108; and

“(xiv) 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, or allocated under sections 1103 through 1108, to the State for fiscal year 1997; bears to

“(II) the total of the amount of funds apportioned for the items, and allocated under those sections, to the State for fiscal year 1997.

“(C) MINIMUM ALLOCATION.—Not more than \$319,500,000 of the 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) SPECIAL RULE.—Amounts apportioned to a State under this subsection that are attributable to sections 1103 through 1108 shall be available to the State for projects eligible for assistance under chapter 1 of title 23, United States Code.

“(E) 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.”.

(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 COUNTER-MEASURES.—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."; and

(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."; and

(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,"; and

(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)"; and

(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".

**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.

AMENDMENT No. 1485

On page 106, line 15, strike "\$70,000,000" and substitute "\$130,000,000" in lieu thereof.

AMENDMENT No. 1486

On page 8, line 15, strike "50" and insert "45" in lieu thereof.

On page 10, line 11, strike "50" and insert "45" in lieu thereof.

On page 10, after line 6 insert the following:

(iii) 10 percent in accordance with the reimbursement percentage original contributions to construction of segments of the Interstate System which were constructed without Federal assistance as specified in the following table:

States	Original cost in millions	Reimbursement percentage
Alabama	\$9	0.50
Alaska		0.50
Arizona	20	0.50
Arkansas	6	0.50
California	298	5.42
Colorado	23	0.50
Connecticut	314	5.71
Delaware	39	0.71
Florida	31	0.56
Georgia	46	0.84
Hawaii		0.50
Idaho	5	0.50
Illinois	475	8.62
Indiana	167	3.03
Iowa	5	0.50
Kansas	101	1.84
Kentucky	32	0.57
Louisiana	22	0.50
Maine	38	0.69
Maryland	154	2.79
Massachusetts	283	5.14
Michigan	228	4.14
Minnesota	16	0.50
Mississippi	6	0.50
Missouri	74	1.35
Montana	5	0.50
Nebraska	1	0.50
Nevada	2	0.50
New Hampshire	8	0.50
New Jersey	353	6.41
New Mexico	8	0.50
New York	929	16.88
North Carolina	36	0.65
North Dakota	3	0.50
Ohio	257	4.68
Oklahoma	91	1.66
Oregon	78	1.42
Pennsylvania	354	6.43
Rhode Island	12	0.50
South Carolina	4	0.50
South Dakota	5	0.50
Tennessee	7	0.50
Texas	200	3.64
Utah	6	0.50
Vermont	1	0.50
Virginia	111	2.01
Washington	73	1.32
West Virginia	5	0.50
Wisconsin	8	0.50
Wyoming	9	0.50
D.C.	9	0.50
Totals	\$4,967	100.00

AMENDMENT No. 1487

On page 2, strike "Sec. 1206 Metric Conversion at State Option" and renumber succeeding sections.

On page 144, line 1, strike all that follows through line 5, and renumber the succeeding sections.

AMENDMENT No. 1488

On page 156, strike lines 16 through 24 and insert the following

"(a) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 133 of title 23, United States Code, is amended in subsection (e)—"

AMENDMENT No. 1489

Beginning on page 5, strike line 12 and all that follows through page 43, line 8, and insert the following:

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$12,970,000,000 for fiscal year 1998, \$12,887,000,000 for fiscal year 1999, \$12,932,000,000 for fiscal year 2000, \$13,030,000,000 for fiscal year 2001, \$13,300,000,000 for fiscal year 2002, and \$13,779,000,000 for fiscal year 2003, of which—

(A) \$5,044,000,000 for fiscal year 1998, \$5,011,000,000 for fiscal year 1999, \$5,029,000,000 for fiscal year 2000, \$5,067,000,000 for fiscal year 2001, and \$5,359,000,000 for fiscal year 2003 shall be used for the Interstate maintenance component; and

(B) \$1,535,000,000 for fiscal year 1998, \$1,526,000,000 for fiscal year 1999, \$1,531,000,000 for fiscal year 2000, \$1,542,000,000 for fiscal year 2001, \$1,574,000,000 for fiscal year 2002, and \$1,631,000,000 for fiscal year 2003 shall be used for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,676,000,000 for fiscal year 1998, \$7,626,000,000 for fiscal year 1999, \$7,653,000,000 for fiscal year 2000, \$7,711,000,000 for fiscal year 2001, \$7,871,000,000 for fiscal year 2002, and \$8,154,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,261,000,000 for fiscal year 1998, \$1,253,000,000 for fiscal year 1999, \$1,257,000,000 for fiscal year 2000, \$1,267,000,000 for fiscal year 2001, \$1,293,000,000 for fiscal year 2002, and \$1,340,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject

to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105



of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42

U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall

not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”

(c) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

“§ 105. Minimum guarantee

“(a) ADJUSTMENT.—

“(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States specified in paragraph (2) amounts sufficient to ensure that the State's percentage of the total apportionments for the fiscal year under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program is not less than the percentage specified for the State in paragraph (2).

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1) for a specified State shall be determined in accordance with the following table:

State	Percentage
Connecticut .....	1.75
Hawaii .....	0.61
Maine .....	0.58
Maryland .....	1.52
Massachusetts .....	2.00
Nevada .....	0.74
New Hampshire .....	0.53
New Jersey .....	2.45
New Mexico .....	1.06
Rhode Island .....	0.59.

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.”

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

“105. Minimum guarantee.”

(d) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.”

(e) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—  
(A) by inserting “NOTIFICATION TO STATES.—” after “(e)”;

(B) in the first sentence—

(i) by striking “(other than under subsection (b)(5) of this section)”;

(ii) by striking “and research”;

(C) by striking the second sentence; and

(D) in the last sentence, by striking “, except that” and all that follows through “such funds”;

(2) in subsection (f)—

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

“(f) METROPOLITAN PLANNING.—

“(1) SET-ASIDE.—On”;

(B) by striking “(2) These” and inserting the following:

“(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These”;

(C) by striking “(3) The” and inserting the following:

“(3) USE OF FUNDS.—The”;

(D) by striking “(4) The” and inserting the following:

“(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The”.

(f) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking “, 104(b)(2), and 104(b)(6)” and inserting “and 104(b)(2)”.

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking “AFTER THE FIRST YEAR” and inserting “IN GENERAL”;

(II) by striking “, 104(b)(2), 104(b)(5), and 104(b)(6)” and inserting “and 104(b)(2)”;

(iv) in paragraph (2) (as redesignated by clause (iii)), by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraph (1)”;

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

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

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

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

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

(C) Section 141(c) of title 23, United States Code, is amended by striking “section 104(b)(5) of this title” each place it appears and inserting “section 104(b)(1)(A)”.

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

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking “(5) of” each place it appears and inserting “(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of”;

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking “section 104(b)(5)(A)” each place it

appears and inserting “section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(II) in paragraph (1)(A)(ii), by striking “section 104(b)(5)(B)” and inserting “section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(III) in paragraph (3)(B), by striking “(5)(B)” and inserting “(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(IV) in paragraphs (3) and (4), by striking “section 104(b)(5)” each place it appears and inserting “section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”.

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

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking “sections 130, 144, and 152 of this title” and inserting “subsection (b)(1)(B) and sections 130 and 152”;

(ii) in the first and second sentences—  
(I) by striking “section” and inserting “provision”;

(II) by striking “such sections” and inserting “those provisions”;

(iii) in the third sentence—

(I) by striking “section 144” and inserting “subsection (b)(1)(B)”;

(II) by striking “subsection (b)(1)” and inserting “subsection (b)(1)(C)”.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking “104(b)(2), 104(b)(3), 104(f), 144,” and inserting “104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),”;

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

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

(D) Section 151(d) of title 23, United States Code, is amended by striking “section 104(a), section 307(a), and section 144 of this title” and inserting “subsections (a) and (b)(1)(B) of section 104 and section 307(a)”.

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

(F) Section 303(g) of title 23, United States Code, is amended by striking “section 144 of this title” and inserting “section 104(b)(1)(B)”.

#### SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) \$21,800,000,000 for fiscal year 1998;

(2) \$22,802,000,000 for fiscal year 1999;

(3) \$22,939,000,000 for fiscal year 2000;

(4) \$23,183,000,000 for fiscal year 2001;

(5) \$23,699,000,000 for fiscal year 2002; and

(6) \$24,548,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget);

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

“(g) OBLIGATION AUTHORITY.—

“(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

“(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

“(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

“(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

“(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

“(C) notwithstanding subparagraphs (A) and (B), not distribute—

“(i) amounts deducted under section 104(a) for administrative expenses;

“(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

“(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

“(iv) amounts made available under section 111 of title 49;

“(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

“(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

“(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

“(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

“(ix) amounts made available under section 105(a) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;”.

## AMENDMENT No. 1490

On page 177, between lines 5 and 6, insert the following:

(e) FUNDING.—Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended by striking subsection (c) and inserting the following:

“(c) FUNDING.—

“(1) 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 section \$20,000,000 for each of fiscal years 1998 through 2003.

“(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.”.

## AMENDMENT No. 1491

On page 20, line 22, strike all that follows through page 28, line 20, and insert the following in lieu thereof:

“(c) MAXIMUM APPORTIONMENT.—

“(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

“(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

“(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

“(C) the product obtained by multiplying the annual average of the total apportionments determined under subparagraph (B) by 145%;

“(D) for each of the fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(C), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(C).

“(E) REDISTRIBUTION OF FUNDS.—

“(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be distributed proportionately under section (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (D).

“(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State may not exceed 145 percent.

## AMENDMENT No. 1492

On page 136, after line 22, insert the following:

**“SEC. 1128 HIGH COST BRIDGE AND INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.**

(a) IN GENERAL.—The following new section is added to Chapter 1, Title 23, United States Code:

**“§ 166. High cost bridge and interstate system reconstruction and improvement program**

“(a) ESTABLISHMENT.—The Secretary shall establish and implement a high cost bridge and interstate reconstruction and improvement program in accordance with this section.

“(b) ELIGIBLE PROJECTS.—Funds made available to carry out the high cost bridge and interstate reconstruction and improvement program under this section for a fiscal year shall be available for obligation by the Secretary for major projects to replace or rehabilitate deficient bridges or any major reconstruction or improvement project to any highway designated as part of the Interstate System and open to traffic before the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1997. Such funds shall be made available by the Secretary to any State applying for such funds only if the Secretary determines that—

“(1) the total cost of the project is greater than the lesser of \$200,000,000 or 50 percent of the aggregate amount of funds apportioned to the State under this title for such fiscal year;

“(2) the project is a ready-to-commence project;

“(3) the State agrees that it will not transfer funds apportioned to it under section 104(b)(5) for such fiscal year to any other program category; and

**MOSELEY-BRAUN (AND DURBIN)  
AMENDMENTS NOS. 1493–1505**

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN) submitted 13 amendments intended to be proposed by them to the bill, S. 1173, supra; as follows:

## AMENDMENT No. 1493

Beginning on page 5, strike line 1 and all that follows through page 188, line 25 and insert the following:

**TITLE I—SURFACE TRANSPORTATION**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “Surface Transportation Act of 1997”.

**Subtitle A—General Provisions**

**SEC. 1101. AUTHORIZATIONS.**

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$12,345,933,000 for fiscal year 1998, \$12,174,933,000 for fiscal year 1999, \$12,186,233,000 for fiscal year 2000, \$12,286,233,000 for fiscal year 2001, \$12,614,233,000 for fiscal year 2002, and \$13,150,233,000 for fiscal year 2003, of which—

(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, \$4,773,000,000 for fiscal year 2002, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,215,624,000 for fiscal year 1998, \$7,229,624,000 for fiscal year 1999, \$7,271,624,000 for fiscal year 2000, \$7,328,624,000 for fiscal year 2001, \$7,478,624,000 for fiscal year 2002, and \$8,014,624,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,185,424,000 for fiscal year 1998, \$1,187,424,000 for fiscal year 1999, \$1,194,424,000 for fiscal year 2000, \$1,204,424,000 for fiscal year 2001, \$1,228,424,000 for fiscal year 2002, and \$1,265,424,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

**SEC. 1102. APPORTIONMENTS.**

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) 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.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(II) of paragraph (I)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(II) of paragraph (I)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

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

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”.

(c) MINIMUM GUARANTEE.—

(I) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

“§ 105. Minimum guarantee

“(a) ADJUSTMENT.—

“(I) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

“(A) the ratio that—

“(i) each State's percentage of the total apportionments for the fiscal year—

“(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

“(II) under this section; bears to

“(ii) each State’s percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

“(B) in the case of a State specified in paragraph (2), the State’s percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i).

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

“State	Percentage
Alaska .....	1.24
Arkansas .....	1.33
Delaware .....	0.47
Hawaii .....	0.55
Idaho .....	0.82
Montana .....	1.06
Nevada .....	0.73
New Hampshire .....	0.52
New Jersey .....	2.41
New Mexico .....	1.05
North Dakota .....	0.73
Rhode Island .....	0.58
South Dakota .....	0.78
Vermont .....	0.47
Wyoming .....	0.76.

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.”

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

“105. Minimum guarantee.”

(d) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.”

(e) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting “NOTIFICATION TO STATES.—” after “(e)”; and

(B) in the first sentence—

(i) by striking “(other than under subsection (b)(5) of this section)”; and

(ii) by striking “and research”;

(C) by striking the second sentence; and

(D) in the last sentence, by striking “, except that” and all that follows through “such funds”; and

(2) in subsection (f)—

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

“(f) METROPOLITAN PLANNING.—

“(1) SET-ASIDE.—On”;

(B) by striking “(2) These” and inserting the following:

“(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These”;

(C) by striking “(3) The” and inserting the following:

“(3) USE OF FUNDS.—The”; and

(D) by striking “(4) The” and inserting the following:

“(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The”.

(f) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking “, 104(b)(2), and 104(b)(6)” and inserting “and 104(b)(2)”.

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking “AFTER THE FIRST YEAR” and inserting “IN GENERAL”; and

(II) by striking “, 104(b)(2), 104(b)(5), and 104(b)(6)” and inserting “and 104(b)(2)”; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraph (1)”; and

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

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

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

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

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

(C) Section 141(c) of title 23, United States Code, is amended by striking “section 104(b)(5) of this title” each place it appears and inserting “section 104(b)(1)(A)”.

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

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking “(5) of” each place it appears and inserting “(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of”; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking “section 104(b)(5)(A)” each place it appears and inserting “section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”; and

(II) in paragraph (1)(A)(ii), by striking “section 104(b)(5)(B)” and inserting “section 104(b)(5)(B) (as in effect on the day before the

date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”; and

(III) in paragraph (3)(B), by striking “(5)(B)” and inserting “(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”; and

(IV) in paragraphs (3) and (4), by striking “section 104(b)(5)” each place it appears and inserting “section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”.

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

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking “sections 130, 144, and 152 of this title” and inserting “subsection (b)(1)(B) and sections 130 and 152”;

(ii) in the first and second sentences—

(I) by striking “section” and inserting “provision”; and

(II) by striking “such sections” and inserting “those provisions”; and

(iii) in the third sentence—

(I) by striking “section 144” and inserting “subsection (b)(1)(B)”; and

(II) by striking “subsection (b)(1)” and inserting “subsection (b)(1)(C)”.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking “104(b)(2), 104(b)(3), 104(f), 144,” and inserting “104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),”; and

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

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

(D) Section 151(d) of title 23, United States Code, is amended by striking “section 104(a), section 307(a), and section 144 of this title” and inserting “subsections (a) and (b)(1)(B) of section 104 and section 307(a)”.

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

(F) Section 303(g) of title 23, United States Code, is amended by striking “section 144 of this title” and inserting “section 104(b)(1)(B)”.

#### SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) \$21,800,000,000 for fiscal year 1998;

(2) \$22,802,000,000 for fiscal year 1999;

(3) \$22,939,000,000 for fiscal year 2000;

(4) \$23,183,000,000 for fiscal year 2001;

(5) \$23,699,000,000 for fiscal year 2002; and

(6) \$24,548,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

“(g) OBLIGATION AUTHORITY.—

“(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

“(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

“(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

“(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

“(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

“(C) notwithstanding subparagraphs (A) and (B), not distribute—

“(i) amounts deducted under section 104(a) for administrative expenses;

“(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

“(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

“(iv) amounts made available under section 111 of title 49;

“(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

“(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

“(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

“(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

“(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

“(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

“(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

“(2) REDISTRIBUTION.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

“(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

“(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).”.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

**SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.**

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) OBLIGATION AUTHORITY.—

“(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

“(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

“(B) the ratio that—

“(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

“(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

“(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).”.

**SEC. 1105. EMERGENCY RELIEF.**

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking “highway system” and inserting “highway”.

(b) ELIGIBILITY AND FUNDING.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

“(a) GENERAL ELIGIBILITY.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

“(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

“(2) catastrophic failure from any external cause.

“(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

“(c) FUNDING.—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

“(1) Not more than \$100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

“(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.”.

(4) in subsection (d) (as so redesignated), by striking “subsection (c)” both places it appears and inserting “subsection (e)”;

(5) in subsection (e) (as so redesignated), by striking “on any of the Federal-aid highway systems” and inserting “Federal-aid highways”.

(c) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

**SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.**

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

“(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.”.

(b) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended by adding at the end the following: “Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to pay the Federal share of the cost of the project.”

(c) PLANNING AND AGENCY COORDINATION.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

“(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

“(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

“(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

“(A) shall be developed in cooperation with States and metropolitan planning organizations; and

“(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

“(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

“(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.”

(2) in subsection (b), by striking the first 3 sentences and inserting the following: “Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.”

(3) in the first sentence of subsection (e), by striking “Secretary of the Interior” and inserting “Secretary of the appropriate Federal land management agency”;

(4) in subsection (h), by adding at the end the following:

“(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.”

(5) by striking subsection (i) and inserting the following:

“(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

“(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section.”; and

(6) in subsection (j), by striking the second sentence and inserting the following: “The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).”

#### SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

##### “§ 206. Recreational trails program

“(a) DEFINITIONS.—

“(1) MOTORIZED RECREATION.—The term ‘motorized recreation’ means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

“(2) RECREATIONAL TRAIL; TRAIL.—The term ‘recreational trail’ or ‘trail’ means a thoroughfare or track across land or snow, used for recreational purposes such as—

“(A) pedestrian activities, including wheelchair use;

“(B) skating or skateboarding;

“(C) equestrian activities, including carriage driving;

“(D) nonmotorized snow trail activities, including skiing;

“(E) bicycling or use of other human-powered vehicles;

“(F) aquatic or water activities; and

“(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

“(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the ‘program’).

“(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

“(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

“(A) permissible under other law;

“(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.);

“(C) approved by the administering agency of the State designated under paragraph (2); and

“(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on

compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

“(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

“(d) USE OF APPORTIONED FUNDS.—

“(1) IN GENERAL.—Funds made available under this section shall be obligated for trails and trail-related projects that—

“(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

“(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.).

“(2) PERMISSIBLE USES.—Permissible uses of funds made available under this section include—

“(A) maintenance and restoration of existing trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

“(C) purchase and lease of trail construction and maintenance equipment;

“(D) construction of new trails;

“(E) acquisition of easements and fee simple title to property for trails or trail corridors;

“(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

“(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

“(3) USE OF APPORTIONMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

“(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

“(ii) 30 percent shall be used for uses relating to motorized recreation; and

“(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

“(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

“(C) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to



the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

“(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

“(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

“(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

“(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

“(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

“(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section; may be credited toward the non-Federal share of the cost of the project.

“(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

“(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) USES NOT PERMITTED.—A State may not obligate funds apportioned under this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan; or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

“(h) PROJECT ADMINISTRATION.—

“(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

“(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

“(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

“(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

“(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3)).

“(4) COOPERATION BY PRIVATE PERSONS.—

“(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

“(B) PUBLIC ACCESS.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

“(i) APPORTIONMENT.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State that meets the requirements of subsection (c).

“(2) APPORTIONMENT.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

“(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

“(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of non-highway recreational fuel used in each eligible State during the preceding year.

“(j) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

“(2) USE OF CONTRACTS.—To carry out research funded under paragraph (1), the Secretary may—

“(A) enter into contracts with for-profit organizations; and

“(B) enter into contracts, partnerships, or cooperative agreements with other govern-

ment agencies, institutions of higher learning, or nonprofit organizations.

“(k) 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 \$17,000,000 for fiscal year 1998, \$20,000,000 for fiscal year 1999, \$22,000,000 for fiscal year 2000, \$23,000,000 for fiscal year 2001, \$24,000,000 for fiscal year 2002, and \$25,000,000 for fiscal year 2003.

“(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, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.”

(b) CONFORMING AMENDMENTS.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

“206. Recreational trails program.”

#### SEC. 1108. VALUE PRICING PILOT PROGRAM.

(a) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking “CONGESTION” and inserting “VALUE”; and

(2) in paragraph (1), by striking “congestion” each place it appears and inserting “value”.

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking “5” and inserting “15”.

(c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.—Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after “Secretary shall fund” the following: “all preimplementation costs and project design, and”; and

(2) by inserting after “Secretary may not fund” the following: “the implementation costs of”.

(d) TOLLING.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking “a pilot program under this section, but not on more than 3 of such programs” and inserting “any value pricing pilot program under this subsection”.

(e) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

“(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.”

(f) FUNDING.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

“(7) 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 \$8,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY.—

“(i) IN GENERAL.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

“(ii) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds \$8,000,000 as of September 30 of any year, the excess amount—

“(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

“(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

“(III) shall be available for any purpose eligible for funding under section 133 of that title.

“(C) 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, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.”

(g) CONFORMING AMENDMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking “projects” each place it appears and inserting “programs”; and

(2) in paragraph (5)—

(A) by striking “projects” and inserting “programs”; and

(B) by striking “traffic, volume” and inserting “traffic volume”.

#### SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

##### “§ 143. Highway use tax evasion projects

“(a) DEFINITION OF STATE.—In this section, the term ‘State’ means the 50 States and the District of Columbia.

“(b) PROJECTS.—

“(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

“(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

“(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

“(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

“(A) to expand efforts to enhance motor fuel tax enforcement;

“(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

“(C) to supplement motor fuel tax examinations and criminal investigations;

“(D) to develop automated data processing tools to monitor motor fuel production and sales;

“(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

“(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

“(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

“(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

“(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

“(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(A) IN GENERAL.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$5,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY OF FUNDS.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

“(c) EXCISE FUEL REPORTING SYSTEM.—

“(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the ‘system’).

“(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

“(A) the Internal Revenue Service shall develop and maintain the system through contracts;

“(B) the system shall be under the control of the Internal Revenue Service; and

“(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

“(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

“(A) \$8,000,000 for development of the system; and

“(B) \$2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.”

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

“143. Highway use tax evasion projects.”

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking “section 1040 of this Act” and inserting “section 143 of title 23, United States Code.”; and

(B) by striking subsection (h).

#### SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting “pedestrian walkways and” after “construction of”; and

(B) by striking “(other than the Interstate System)”;

(2) in subsection (e), by striking “, other than a highway access to which is fully controlled.”;

(3) by striking subsection (g) and inserting the following:

“(g) PLANNING AND DESIGN.—

“(1) IN GENERAL.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

“(2) CONSTRUCTION.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

“(3) SAFETY AND CONTIGUOUS ROUTES.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.”;

(4) in subsection (h)—

(A) by striking “No motorized vehicles shall” and inserting “Motorized vehicles may not”; and

(B) by striking paragraph (3) and inserting the following:

“(3) wheelchairs that are powered; and”;

(5) by striking subsection (j) and inserting the following:

“(j) DEFINITIONS.—In this section:

“(1) BICYCLE TRANSPORTATION FACILITY.—The term ‘bicycle transportation facility’ means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

“(2) PEDESTRIAN.—The term ‘pedestrian’ means any person traveling by foot or any mobility impaired person using a wheelchair.

“(3) WHEELCHAIR.—The term ‘wheelchair’ means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.”

#### SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.

(a) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$16,600,000, as adjusted by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and economically disadvantaged individuals” has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns

which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) **UNIFORM CERTIFICATION.**—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

**SEC. 1112. FEDERAL SHARE PAYABLE.**

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection."; and

(2) by adding at the end the following:

"(1) **CREDIT FOR NON-FEDERAL SHARE.**—

"(1) **ELIGIBILITY.**—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

"(2) **MAINTENANCE OF EFFORT.**—

"(A) **IN GENERAL.**—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) **CONDITIONS ON RECEIPT OF CREDIT.**—

"(i) **AGREEMENT WITH THE SECRETARY.**—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(ii) **EXCEPTION.**—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

"(3) **TREATMENT.**—

"(A) **IN GENERAL.**—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

"(B) **CHARTERED MULTISTATE AGENCIES.**—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

"(C) **NO ADDITIONAL STANDARDS.**—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject."

**SEC. 1113. STUDIES AND REPORTS.**

(a) **HIGHWAY ECONOMIC REQUIREMENT SYSTEM.**—

(1) **METHODOLOGY.**—

(A) **EVALUATION.**—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the "model").

(B) **REQUIRED ELEMENT.**—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) **STATE INVESTMENT PLANS.**—

(A) **STUDY.**—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) **REQUIRED ELEMENTS.**—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) **REPORT TO CONGRESS.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) **INTERNATIONAL ROUGHNESS INDEX.**—

(1) **STUDY.**—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) **REQUIRED ELEMENTS.**—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) **REPORTING OF RATES OF OBLIGATION.**—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

"(j) **REPORTING OF RATES OF OBLIGATION.**—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

"(1) program;

"(2) funding category or subcategory;

"(3) type of improvement;

"(4) State; and

"(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area."

**SEC. 1114. DEFINITIONS.**

(a) **FEDERAL-AID HIGHWAY FUNDS AND PROGRAM.**—

(1) **IN GENERAL.**—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining "Federal-aid highways" the following:

"The term 'Federal-aid highway funds' means funds made available to carry out the Federal-aid highway program.

"The term 'Federal-aid highway program' means all programs authorized under chapters 1, 3, and 5."

(2) **CONFORMING AMENDMENTS.**—

(A) Section 101(d) of title 23, United States Code, is amended by striking "the construction of Federal-aid highways or highway planning, research, or development" and inserting "the Federal-aid highway program".

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking "Federal-aid highways and the highway safety construction programs" and inserting "the Federal-aid highway program".

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking "Federal-aid highways" and inserting "the Federal-aid highway program".

(b) **ALPHABETIZATION OF DEFINITIONS.**—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

**SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.**

(a) **IN GENERAL.**—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

**"§207. Cooperative Federal Lands Transportation Program**

"(a) **IN GENERAL.**—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the 'program'). Funds available for the program may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations (including Army Corps of Engineers reservoirs), as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).

"(b) **DISTRIBUTION OF FUNDS FOR PROJECTS.**—

"(1) **IN GENERAL.**—

"(A) **IN GENERAL.**—The Secretary—

"(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate (including the Army Corps of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

"(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

"(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

"(I) the percentage for the State determined under clause (i); by

"(II) the sum determined under clause (ii).

"(B) **ADJUSTMENT.**—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i)

among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

“(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

“(A) the percentage for the State, if any, determined under paragraph (1); by

“(B) the funds made available for the program for the fiscal year.

“(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary’s discretion,  $\frac{1}{3}$  of the amount by which the estimated cost of the State’s applications is less than 3 times the amount for the State determined under paragraph (2).

“(c) TRANSFERS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

“(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.120 “(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—Nothing in this section affects any claim for a right-of-way across Federal land.

“(e) 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 \$74,000,000 for each of fiscal years 1998 through 2003.

“(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.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

“207. Cooperative Federal Lands Transportation Program.”

**SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.**

(a) DEFINITIONS.—In this section:

(1) BORDER REGION.—The term “border region” means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(2) BORDER STATE.—The term “border State” means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) BORDER STATION.—The term “border station” means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) FEDERAL INSPECTION AGENCY.—The term “Federal inspection agency” means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) GATEWAY.—The term “gateway” means a grouping of border stations defined by proximity and similarity of trade.

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term “non-Federal governmental jurisdiction” means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

(1) IN GENERAL.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) LIMITATION ON AMOUNT.—Each State transportation department or metropolitan planning organization may receive not more than \$100,000 under this subsection for any fiscal year.

(5) 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 \$1,400,000 for each of fiscal years 1998 through 2003.

(B) 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, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within inter-

national or interstate trade corridors of national importance.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) COORDINATION OF PLANNING.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) 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 \$3,000,000 for each of fiscal years 1998 through 2003.

(B) 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, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF.—

(1) APPLICATIONS FOR GRANTS.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

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

(3) USE OF GRANTS.—

(A) IN GENERAL.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) TYPE OF PLANS AND PROGRAMS.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than \$10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$125,000,000 for each of fiscal years 1998 through 2003.

(e) COORDINATION OF PLANNING.—

(1) PLANNING AND DEVELOPMENT OF BORDER STATIONS.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) COOPERATIVE ACTIVITIES.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local

conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) COST SHARING.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds \$4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

#### SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: “, except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years”; and

(2) by inserting after the second sentence the following: “Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the Commission for reallocation and shall remain available until expended.”

(b) SUBSTITUTE CORRIDOR.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking “(b) The Commission” and inserting the following:

“(b) DESIGNATIONS.—

“(1) IN GENERAL.—The Commission”; and

(3) by adding at the end the following:

“(2) SUBSTITUTE CORRIDOR.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).”

(c) FEDERAL SHARE FOR PREFINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking “70 percent” and inserting “80 percent”.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

“(g) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) IN GENERAL.—

“(A) FISCAL YEARS 1998 THROUGH 2003.—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) \$40,000,000 for each of fiscal years 1998 through 2000, \$50,000,000 for fiscal year 2001, \$60,000,000 for fiscal year 2002, and \$70,000,000 for fiscal year 2003.

“(B) OBLIGATION AUTHORITY.—The Secretary shall provide equivalent amounts of

obligation authority for the funds authorized under subparagraph (A).

“(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, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).”

#### SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.

(a) IN GENERAL.—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

“(k) SET-ASIDE FOR INTERSTATE 4R AND BRIDGE PROJECTS.—

“(1) IN GENERAL.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside \$70,000,000 from amounts to be apportioned under subsection (b)(1)(A), and \$70,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

“(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December 17, 1991) or an agreement under section 129(a));

“(B) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is more than \$10,000,000; and

“(C) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is less than \$10,000,000 if the cost is at least twice the amount reserved under section 144(c) by the State in which the bridge is located for the fiscal year in which application is made for an allocation for the bridge under this subsection.

“(2) REQUIRED ALLOCATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), for each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, for use for highway bridge projects, at least \$20,000,000 of the amounts set aside under paragraph (1) to any State that—

“(i) is apportioned for fiscal year 1998 under paragraphs (1)(B), (1)(C)(i)(III), and (3)(A)(iii) of subsection (b) an amount that is less than the amount apportioned to the State for the highway bridge replacement and rehabilitation program under section 144 for fiscal year 1997; and

“(ii) was apportioned for that program for fiscal year 1997 an amount greater than \$125,000,000.

“(B) EXCEPTION.—A State that transferred funds from the highway bridge replacement and rehabilitation program during any of fiscal years 1995 through 1997 in an amount greater than 10 percent of the apportionments for that program for the fiscal year shall not be eligible for an allocation under subparagraph (A).

“(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

“(3) AVAILABILITY TO STATES OF INTERSTATE 4R FUNDS.—The Secretary may grant the application of a State for funds made available for a fiscal year for a project described in paragraph (1)(A) if the Secretary determines that—

“(A) the State has obligated or demonstrates that it will obligate for the fiscal year all of the apportionments to the State

under subparagraphs (A) and (B) of subsection (b)(1) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project described in paragraph (1)(A) that has been submitted by the State to the Secretary for approval; and

“(B) the State is willing and able to—

“(i) obligate the funds within 1 year after the date on which the funds are made available;

“(ii) apply the funds to a project that is ready to be commenced; and

“(iii) in the case of construction work, begin work within 90 days after the date of obligation of the funds.

“(4) ELIGIBILITY OF CERTAIN BRIDGES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, any bridge that is owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this subsection.

“(B) LIMITATION.—The amount of assistance under subparagraph (A) shall not exceed the cumulative amount that the agency has expended for capital and operating costs to subsidize the transit system.

“(C) DETERMINATION BY THE SECRETARY.—Before authorizing an expenditure of funds under this paragraph, the Secretary shall make a determination that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement, seismic retrofitting, or rehabilitation project.

“(D) CREDITING OF NON-FEDERAL FUNDS.—Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of expenditure.

“(5) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under this subsection shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—Section 118 of title 23, United States Code, is amended by striking subsection (c).

**SEC. 1119. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.**

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

**“§322. Magnetic levitation transportation technology deployment program**

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PROJECT COSTS.—The term ‘eligible project costs’ means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station.

“(2) FULL PROJECT COSTS.—The term ‘full project costs’ means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

“(3) MAGLEV.—The term ‘MAGLEV’ means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

“(4) PARTNERSHIP POTENTIAL.—The term ‘partnership potential’ has the meaning given the term in the commercial feasibility study of high-speed ground transportation

conducted under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 1978).

“(b) ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall make available financial assistance to provide the Federal share of full project costs of eligible projects selected under this section.

“(2) FEDERAL SHARE.—The Federal share of full project costs under paragraph (1) shall be not more than ⅓.

“(3) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

“(c) SOLICITATION OF APPLICATIONS FOR ASSISTANCE.—Not later than 180 days after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

“(d) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

“(1) involve a segment or segments of a high-speed ground transportation corridor that exhibit partnership potential;

“(2) require an amount of Federal funds for project financing that will not exceed the sum of—

“(A) the amounts made available under subsection (h)(1)(A); and

“(B) the amounts made available by States under subsection (h)(4);

“(3) result in an operating transportation facility that provides a revenue producing service;

“(4) be undertaken through a public and private partnership, with at least ⅓ of full project costs paid using non-Federal funds;

“(5) satisfy applicable statewide and metropolitan planning requirements;

“(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

“(7) to the extent that non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

“(8) be carried out using materials at least 70 percent of which are manufactured in the United States.

“(e) PROJECT SELECTION CRITERIA.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

“(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

“(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

“(3) States, regions, and localities financially contribute to the project;

“(4) implementation of the project will create new jobs in traditional and emerging industries;

“(5) the project will augment MAGLEV networks identified as having partnership potential;

“(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

“(7) financial assistance would foster the timely implementation of a project; and

“(8) life-cycle costs in design and engineering are considered and enhanced.

“(f) PROJECT SELECTION.—Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 eligible project for financial assistance.

“(g) JOINT VENTURES.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

“(h) FUNDING.—

“(1) IN GENERAL.—

“(A) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$10,000,000 for fiscal year 1999 and \$20,000,000 for fiscal year 2000.

“(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

“(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

“(II) the availability of the funds shall be determined in accordance with paragraph (2).

“(B) 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 \$200,000,000 for each of fiscal years 2000 and 2001, \$250,000,000 for fiscal year 2002, and \$300,000,000 for fiscal year 2003.

“(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.

“(3) OTHER FEDERAL FUNDS.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

“(4) OTHER ASSISTANCE.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title and the Transportation Infrastructure Finance and Innovation Act of 1997, including loans, loan guarantees, and lines of credit.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

“322. Magnetic levitation transportation technology deployment program.”.

**SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE.**

(a) DEFINITIONS.—Section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 628) is amended—

(1) in paragraph (3), by striking “, including approaches thereto”; and

(2) in paragraph (5), by striking “to be determined under section 407. Such” and all that follows and inserting the following: “as described in the record of decision executed by the Secretary in compliance with the National Environmental Policy Act of 1969 (42

U.S.C. 4321 et seq.). The term includes ongoing short-term rehabilitation and repairs to the Bridge.”.

(b) OWNERSHIP OF BRIDGE.—

(1) CONVEYANCE BY THE SECRETARY.—Section 407(a)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by inserting “or any Capital Region jurisdiction” after “Authority” each place it appears.

(2) AGREEMENT.—Section 407 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by striking subsection (c) and inserting the following:

“(c) AGREEMENT.—

“(1) IN GENERAL.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed by the Secretary and the Authority or any Capital Region jurisdiction that accepts ownership of the Bridge.

“(2) TERMS OF THE AGREEMENT.—The agreement shall—

“(A) identify whether the Authority or a Capital Region jurisdiction will accept ownership of the Bridge;

“(B) contain a financial plan satisfactory to the Secretary, which shall be prepared before the execution of the agreement, that specifies—

“(i) the total cost of the Project, including any cost-saving measures;

“(ii) a schedule for implementation of the Project, including whether any expedited design and construction techniques will be used; and

“(iii) the sources of funding that will be used to cover any costs of the Project not funded from funds made available under section 412; and

“(C) contain such other terms and conditions as the Secretary determines to be appropriate.”.

(c) FEDERAL CONTRIBUTION.—The Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627) is amended by adding at the end the following:

“SEC. 412. FEDERAL CONTRIBUTION.

“(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) \$100,000,000 for fiscal year 1998, \$100,000,000 for fiscal year 1999, \$125,000,000 for fiscal year 2000, \$175,000,000 for fiscal year 2001, \$200,000,000 for fiscal year 2002, and \$200,000,000 for fiscal year 2003, to pay the costs of planning, preliminary engineering and design, final engineering, acquisition of rights-of-way, and construction of the Project, except that the costs associated with the Bridge shall be given priority over other eligible costs, other than design costs, of the Project.

“(2) CONTRACT AUTHORITY.—Funds authorized under this section 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—

“(A) the funds shall remain available until expended;

“(B) the Federal share of the cost of the Bridge component of the Project shall not exceed 100 percent; and

“(C) the Federal share of the cost of any other component of the Project shall not exceed 80 percent.

“(b) USE OF APPORTIONED FUNDS.—Nothing in this title limits the authority of any Capital Region jurisdiction to use funds apportioned to the jurisdiction under paragraph (1) or (3) of section 104(b) of title 23, United States Code, in accordance with the requirements for such funds, to pay any costs of the Project.

“(c) AVAILABILITY OF APPORTIONED FUNDS.—None of the funds made available

under this section shall be available before the execution of the agreement described in section 407(c), except that the Secretary may fund the maintenance and rehabilitation of the Bridge and the design of the Project.”.

(d) CONFORMING AMENDMENT.—Section 405(b)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 629) is amended by striking “the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to”.

SEC. 1121. NATIONAL HIGHWAY SYSTEM COMPONENTS.

The National Highway System consists of the routes and transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled “Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals” and dated May 24, 1996.

SEC. 1122. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.

(a) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(1) in the section heading, by striking “program”;

(2) by striking subsections (a) through (n), (p), and (q);

(3) by inserting after the section heading the following:

“(a) DEFINITION OF REHABILITATE.—In this section, the term ‘rehabilitate’ (in any of its forms), with respect to a bridge, means to carry out major work necessary—

“(1) to address the structural deficiencies, functional obsolescence, or physical deterioration of the bridge; or

“(2) to correct a major safety defect of the bridge, including seismic retrofitting.

“(b) BRIDGE INVENTORY.—

“(1) IN GENERAL.—In consultation with the States, the Secretary shall—

“(A) annually inventory all highway bridges on public roads that cross waterways, other topographical barriers, other highways, and railroads;

“(B) classify each such bridge according to serviceability, safety, and essentiality for public use; and

“(C) assign each such bridge a priority for replacement or rehabilitation based on the classification under subparagraph (B).

“(2) CONSULTATION.—In preparing an inventory of highway bridges on Indian reservation roads and park roads under paragraph (1), the Secretary shall consult with the Secretary of the Interior and the States.

“(3) INVENTORY OF HISTORICAL BRIDGES.—At the request of a State, the Secretary may inventory highway bridges on public roads for historical significance.

“(c) CERTIFICATION BY THE STATE.—Not later than 180 days after the end of each fiscal year beginning with fiscal year 1998, each State shall certify to the Secretary, either that—

“(1) the State has reserved, from funds apportioned to the State for the preceding fiscal year, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), an amount that is not less than the amount apportioned to the State under this section for fiscal year 1997; or

“(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2001, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), will be not less than 4 times the amount apportioned to the State under this section for fiscal year 1997.

“(d) USE OF RESERVED FUNDS.—A State may use funds reserved under subsection (c) to replace, rehabilitate, reconstruct, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour counter-

measures on a highway bridge on a public road that crosses a waterway, other topographical barrier, other highway, or railroad.

“(e) OFF-SYSTEM BRIDGES.—

“(1) REQUIRED EXPENDITURE.—For each fiscal year, an amount equal to not less than 15 percent of the amount apportioned to a State under this section for fiscal year 1997 shall be expended by the State for projects to replace, rehabilitate, reconstruct, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures on highway bridges located on public roads that are functionally classified as local roads or rural minor collectors.

“(2) USE OF FUNDS TO MEET REQUIRED EXPENDITURE.—Funds reserved under subsection (c) and funds made available under section 104(b)(1) for the National Highway System or under section 104(b)(3) for the surface transportation program may be used to meet the requirement for expenditure under paragraph (1).

“(3) REDUCTION OF REQUIRED EXPENDITURE.—After consultation with local and State officials in a State, the Secretary may, with respect to the State, reduce the requirement for expenditure under paragraph (1) if the Secretary determines that the State has inadequate needs to justify the expenditure.

“(f) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be as determined under section 120(b).

“(g) BRIDGE PERMIT EXEMPTION.—

“(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) shall apply to each bridge authorized to be replaced, in whole or in part, under this section.

“(2) EXCEPTION.—Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425; 33 U.S.C. 401), shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title if the bridge is over waters that are—

“(A) not used and not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

“(B)(i) not tidal; or

“(ii) tidal but used only by recreational boating, fishing, and other small vessels that are less than 21 feet in length.

“(h) INDIAN RESERVATION ROAD BRIDGES.—

“(1) NATIONWIDE PRIORITY PROGRAM.—The Secretary shall establish a nationwide priority program for improving deficient Indian reservation road bridges.

“(2) RESERVATION OF FUNDS.—

“(A) IN GENERAL.—Of the amounts authorized for Indian reservation roads for each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve not less than \$9,000,000 for projects to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures for deficient Indian reservation road bridges, including multiple-pipe culverts.

“(B) ELIGIBLE BRIDGES.—To be eligible to receive funding under this subsection, a bridge described in subparagraph (A) must—

“(i) have an opening of 20 feet or more;

“(ii) be on an Indian reservation road;

“(iii) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

“(iv) be recorded in the national bridge inventory administered by the Secretary under subsection (b).

“(3) APPROVAL REQUIREMENT.—Funds to carry out Indian reservation road bridge



projects under this subsection shall be made available only on approval of plans, specifications, and estimates by the Secretary.”;

(4) by redesignating subsection (o) as subsection (i); and

(5) in subsection (i) (as so redesignated)—

(A) in paragraph (1), by inserting “for alternative transportation purposes (including bikeway and walkway projects eligible for funding under this title)” after “adaptive reuse”;

(B) in paragraph (3)—

(i) by inserting “(regardless of whether the intended use is for motorized vehicular traffic or for alternative public transportation purposes)” after “intended use”; and

(ii) by inserting “or for alternative public transportation purposes” after “no longer used for motorized vehicular traffic”; and

(C) in the second sentence of paragraph (4)—

(i) by inserting “for motorized vehicles, alternative vehicular traffic, or alternative public transportation” after “historic bridge”; and

(ii) by striking “up to an amount not to exceed the cost of demolition”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

“144. Highway bridge replacement and rehabilitation.”.

#### SEC. 1123. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHED PROGRAM.—Section 149(a) of title 23, United States Code, is amended by striking “ESTABLISHMENT.—The Secretary shall establish” and inserting “IN GENERAL.—The Secretary shall carry out”.

(b) ELIGIBLE PROJECTS.—Section 149(b) of title 23, United States Code, is amended in the first sentence—

(1) by striking “that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994” and inserting “that is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) or classified as a submarginal ozone nonattainment area under that Act, or if the project or program is for a maintenance area.”;

(2) in paragraph (1)—

(A) in subparagraph (A), by striking “clauses (xii) and” and inserting “clause”; and

(B) in subparagraph (B), by striking “such section” and inserting “section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))”;

(3) in paragraph (2), by inserting “or maintenance” after “State implementation”;

(4) in paragraph (3), by inserting “or maintenance of the standard” after “standard”; and

(5) in paragraph (4), by inserting “or maintenance” after “attainment”.

(c) STATES RECEIVING MINIMUM APPORTIONMENT.—Section 149 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) STATES RECEIVING MINIMUM APPORTIONMENT.—

“(1) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.), the State may use funds apportioned to the State under section 104(b)(2) for any project eligible under the surface transportation program under section 133.

“(2) STATES WITH A NONATTAINMENT AREA.—If a State has a nonattainment area or maintenance area and receives funds under section 104(b)(2)(D) above the amount of funds that the State would have received based on

its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2), the State may use that portion of the funds not based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2) for any project in the State eligible under section 133.”.

(d) FEDERAL SHARE.—Section 120(c) of title 23, United States Code, is amended in the first sentence by striking “The” and inserting “Except in the case of a project funded from sums apportioned under section 104(b)(2), the”.

(e) CONFORMING AMENDMENTS.—

(1) Section 101(a) of title 23, United States Code, is amended by inserting after the undesignated paragraph defining “maintenance” the following:

“The term ‘maintenance area’ means an area that was designated as a nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).”.

(2) Section 149(b)(1)(A)(ii) of title 23, United States Code, is amended by striking “an area” and all that follows and inserting “a maintenance area; or”.

#### SEC. 1124. SAFETY BELT USE LAW REQUIREMENTS.

Section 355 of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended—

(1) in the section heading, by striking “AND MAINE”;

(2) in subsection (a)—

(A) by striking “States of New Hampshire and Maine shall each” and inserting “State of New Hampshire shall”; and

(B) in paragraph (1), by striking “and 1996” and inserting “through 2000”; and

(3) by striking “or Maine” each place it appears.

#### SEC. 1125. SENSE OF THE SENATE CONCERNING RELIANCE ON PRIVATE ENTERPRISE.

(a) IN GENERAL.—It is the sense of the Senate that each agency authorized to expend funds made available under this Act, or an amendment made by this Act, or a recipient of any form of a grant or other Federal assistance under this Act, or an amendment made by this Act—

(1) should, in expending the funds or assistance, rely on entities in the private enterprise system to provide such goods and services as are reasonably and expeditiously available through ordinary business channels; and

(2) shall not duplicate or compete with entities in the private enterprise system.

(b) PROCEDURES.—The Secretary should provide procedures to inform each agency that administers this Act and each recipient of a grant or other Federal assistance of the sense of the Senate expressed in subsection (a).

#### SEC. 1126. STUDY OF USE OF UNIFORMED POLICE OFFICERS ON FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS.

(a) IN GENERAL.—In consultation with the States and State transportation departments, the Secretary shall conduct a study on the extent and effectiveness of use by States of uniformed police officers on Federal-aid highway construction projects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a), including any legislative and administrative recommendations of the Secretary.

#### SEC. 1127. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)(i), by striking “, except to” and all that follows through “services”;

(2) by striking subparagraph (C) and inserting the following:

“(C) SELECTION, PERFORMANCE, AND AUDITS.—

“(i) IN GENERAL.—All requirements for architectural, engineering, and related services at any phase of a highway project funded in whole or in part with Federal-aid highway funds shall be performed by a contract awarded in accordance with subparagraph (A).

“(ii) PROHIBITION ON STATE RESTRICTION.—A State shall not impose any overhead restriction that would preclude any qualified firm from being eligible to compete for contracts awarded in accordance with subparagraph (A).

“(iii) COMPLIANCE WITH FEDERAL ACQUISITION REGULATIONS.—The process for selection, award, performance, administration, and audit of the resulting contracts shall comply with the cost principles and cost accounting principles of the Federal Acquisition Regulations, including parts 30, 31, and 36 of the Regulations.”; and

(3) by adding at the end the following:

“(H) COMPLIANCE.—

“(i) IN GENERAL.—A State shall comply with the qualifications-based selection process, contracting based on the Federal Acquisition Regulations, and the single audit procedures required under this paragraph, or with an existing State law or a statute enacted in accordance with the legislative session exemption under subparagraph (G), with respect to any architecture, engineering, or related service contract for any phase of a Federal-aid highway project.

“(ii) STATES WITH ALTERNATIVE PROCESS.—Any State that, after November 28, 1995, enacted legislation to establish an alternative State process as a substitute for the contract administration and audit procedures required under this paragraph or was granted a waiver under subparagraph (G) shall submit the legislation to the Secretary, not later than 60 days after the date of enactment of this subparagraph, for certification that the State legislation is in compliance with the statutory timetable and substantive criteria specified in subparagraph (G).”.

#### Subtitle B—Program Streamlining and Flexibility

#### CHAPTER 1—GENERAL PROVISIONS

#### SEC. 1201. ADMINISTRATIVE EXPENSES.

Section 104 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—Whenever an apportionment is made of the sums made available for expenditure on the surface transportation program under section 133, the congestion mitigation and air quality improvement program under section 149, or the Interstate and National Highway System program under section 103, the Secretary shall deduct a sum, in an amount not to exceed 1½ percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2.

“(2) CONSIDERATION OF UNOBLIGATED BALANCES.—In making the determination described in paragraph (1), the Secretary shall take into account the unobligated balance of any sums deducted under this subsection in prior fiscal years.

“(3) AVAILABILITY.—The sum deducted under paragraph (1) shall remain available until expended.”.

**SEC. 1202. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION.**

(a) **ADVANCE ACQUISITION OF REAL PROPERTY.**—Section 108 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

**“§ 108. Advance acquisition of real property”;**  
and

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

“(a) **IN GENERAL.**—

“(1) **AVAILABILITY OF FUNDS.**—For the purpose of facilitating the timely and economical acquisition of real property for a transportation improvement eligible for funding under this title, the Secretary, upon the request of a State, may make available, for the acquisition of real property, such funds apportioned to the State as may be expended on the transportation improvement, under such rules and regulations as the Secretary may issue.

“(2) **CONSTRUCTION.**—The agreement between the Secretary and the State for the reimbursement of the cost of the real property shall provide for the actual construction of the transportation improvement within a period not to exceed 20 years following the fiscal year for which the request is made, unless the Secretary determines that a longer period is reasonable.”

(b) **CREDIT FOR ACQUIRED LANDS.**—Section 323(b) of title 23, United States Code, is amended—

(1) in the subsection heading, by striking “DONATED” and inserting “ACQUIRED”;

(2) by striking paragraphs (1) and (2) and inserting the following:

“(1) **IN GENERAL.**—Notwithstanding any other provision of this title, the State share of the cost of a project with respect to which Federal assistance is provided from the Highway Trust Fund (other than the Mass Transit Account) may be credited in an amount equal to the fair market value of any land that—

“(A) is obtained by the State, without violation of Federal law; and

“(B) is incorporated into the project.

“(2) **ESTABLISHMENT OF FAIR MARKET VALUE.**—The fair market value of land incorporated into a project and credited under paragraph (1) shall be established in the manner determined by the Secretary, except that—

“(A) the fair market value shall not include any increase or decrease in the value of donated property caused by the project; and

“(B) the fair market value of donated land shall be established as of the earlier of—

“(i) the date on which the donation becomes effective; or

“(ii) the date on which equitable title to the land vests in the State.”;

(3) by striking paragraph (3);

(4) in paragraph (4), by striking “to which the donation is applied”;

(5) by redesignating paragraph (4) as paragraph (3).

(c) **CONFORMING AMENDMENT.**—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 108 and inserting the following:

“108. Advance acquisition of real property.”.

**SEC. 1203. AVAILABILITY OF FUNDS.**

Section 118 of title 23, United States Code, is amended by striking subsection (e) and inserting the following:

“(e) **AVAILABILITY OF FUNDS.**—

“(1) **IN GENERAL.**—Any Federal-aid highway funds released by the final payment on a project, or by the modification of a project agreement, shall be credited to the same program funding category for which the funds were previously apportioned and shall be immediately available for obligation.

“(2) **TRANSFER OF INTERSTATE CONSTRUCTION FUNDS.**—Any Federal-aid highway funds apportioned to a State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of this paragraph) and credited under paragraph (1) may be transferred by the Secretary in accordance with section 103(d).”.

**SEC. 1204. PAYMENTS TO STATES FOR CONSTRUCTION.**

Section 121 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second and third sentences and inserting the following: “The payments may also be made for the value of such materials as—

“(1) have been stockpiled in the vicinity of the construction in conformity to plans and specifications for the projects; and

“(2) are not in the vicinity of the construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in the vicinity.”;

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

“(b) **PROJECT AGREEMENTS.**—

“(1) **PAYMENTS.**—A payment under this chapter may be made only for a project covered by a project agreement.

“(2) **SOURCE OF PAYMENTS.**—After completion of a project in accordance with the project agreement, a State shall be entitled to payment, out of the appropriate sums apportioned or allocated to the State, of the unpaid balance of the Federal share of the cost of the project.”;

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

**SEC. 1205. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY.**

(a) **IN GENERAL.**—Section 156 of title 23, United States Code, is amended to read as follows:

**“§ 156. Proceeds from the sale or lease of real property**

“(a) **MINIMUM CHARGE.**—Subject to section 142(f), a State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal (other than for utility use and occupancy or for a transportation project eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

“(b) **EXCEPTIONS.**—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

“(c) **USE OF FEDERAL SHARE OF INCOME.**—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 156 and inserting the following:

“156. Proceeds from the sale or lease of real property.”.

**SEC. 1206. METRIC CONVERSION AT STATE OPTION.**

Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking “Before September 30, 2000, the” and inserting “The”.

**SEC. 1207. REPORT ON OBLIGATIONS.**

Section 104(m) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended—

(1) by inserting “REPORT TO CONGRESS.—” before “The Secretary”;

(2) by striking “not later than” and all that follows through “a report” and inserting “a report for each fiscal year”;

(3) in paragraph (1), by striking “preceding calendar month” and inserting “preceding fiscal year”;

(4) by striking paragraph (2);

(5) in paragraph (3), by striking “such preceding month” and inserting “that preceding fiscal year”;

(6) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

**SEC. 1208. TERMINATIONS.**

(a) **RIGHT-OF-WAY REVOLVING FUND.**—Section 108 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) **TERMINATION OF RIGHT-OF-WAY REVOLVING FUND.**—

“(1) **IN GENERAL.**—Funds apportioned and advanced to a State by the Secretary from the right-of-way revolving fund established by this section prior to the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997 shall remain available to the State for use on the projects for which the funds were advanced for a period of 20 years from the date on which the funds were advanced.

“(2) **CREDIT TO HIGHWAY TRUST FUND.**—With respect to a project for which funds have been advanced from the right-of-way revolving fund, upon the termination of the 20-year period referred to in paragraph (1), when actual construction is commenced, or upon approval by the Secretary of the plans, specifications, and estimates for the actual construction of the project on the right-of-way, whichever occurs first—

“(A) the Highway Trust Fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120, out of any Federal-aid highway funds apportioned to the State in which the project is located and available for obligation for projects of the type funded; and

“(B) the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the Highway Trust Fund.”.

(b) **PILOT TOLL COLLECTION PROGRAM.**—Section 129 of title 23, United States Code, is amended by striking subsection (d).

(c) **NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE.**—As soon as practicable after the date of enactment of this Act, the Secretary shall take such action as is necessary for the termination of the National Recreational Trails Advisory Committee established by section 1303 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1262) (as in effect on the day before the date of enactment of this Act).

(d) **CONGRESSIONAL BRIDGE COMMISSIONS.**—Public Law 87-441 (76 Stat. 59) is repealed.

**SEC. 1209. INTERSTATE MAINTENANCE.**

(a) **INTERSTATE FUNDS.**—Section 119 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second sentence;

(2) by striking subsection (d); and

(3) by striking subsection (f) and inserting the following:

“(f) **TRANSFERABILITY OF FUNDS.**—

“(1) **UNCONDITIONAL.**—A State may transfer an amount not to exceed 30 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) to the apportionment of the State under paragraphs (1)(C) and (3) of section 104(b).

“(2) **UPON ACCEPTANCE OF CERTIFICATION.**—If a State certifies to the Secretary that any part of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) is in excess of the needs of the State for resurfacing, restoring, rehabilitating, or reconstructing routes and bridges on the Interstate System in the State and that the State is adequately maintaining the routes and bridges, and the Secretary accepts the

certification, the State may transfer, in addition to the amount authorized to be transferred under paragraph (1), an amount not to exceed 20 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) to the apportionment of the State under paragraphs (1)(C) and (3) of section 104(b)."

(b) ELIGIBILITY.—Section 119 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking "and rehabilitating" and inserting " , rehabilitating, and reconstructing";

(2) by striking subsections (b), (c), (e), and (g);

(3) by inserting after subsection (a) the following:

"(b) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—A State—

"(A) may use funds apportioned under subparagraph (A) or (B) of section 104(b)(1) for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System, including—

"(i) resurfacing, restoring, rehabilitating, and reconstructing bridges, interchanges, and overcrossings;

"(ii) acquiring rights-of-way; and

"(iii) intelligent transportation system capital improvements that are infrastructure-based to the extent that they improve the performance of the Interstate System; but

"(B) may not use the funds for construction of new travel lanes other than high-occupancy vehicle lanes or auxiliary lanes.

"(2) EXPANSION OF CAPACITY.—

"(A) USING TRANSFERRED FUNDS.—Notwithstanding paragraph (1), funds transferred under subsection (c)(1) may be used for construction to provide for expansion of the capacity of an Interstate System highway (including a bridge).

"(B) USING FUNDS NOT TRANSFERRED.—

"(i) IN GENERAL.—In lieu of transferring funds under subsection (c)(1) and using the transferred funds for the purpose described in subparagraph (A), a State may use an amount of the sums apportioned to the State under subparagraph (A) or (B) of section 104(b)(1) for the purpose described in subparagraph (A).

"(ii) LIMITATION.—The sum of the amount used under clause (i) and any amount transferred under subsection (c)(1) by a State may not exceed 30 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1)."; and

(4) by redesignating subsection (f) as subsection (c).

(c) CONFORMING AMENDMENTS.—

(1) Section 119(a) of title 23, United States Code, is amended in the first sentence by striking " ; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in subsection (e)".

(2) Section 1009(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 119 note; 105 Stat. 1934) is amended by striking "section 119(f)(1)" and inserting "section 119(c)(1)".

#### CHAPTER 2—PROJECT APPROVAL

##### SEC. 1221. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.

Section 104 of title 23, United States Code (as amended by section 1118), is amended by inserting after subsection (k) the following:

"(1) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

"(1) TRANSFER OF HIGHWAY FUNDS.—Funds made available under this title and transferred for transit projects shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) TRANSFER OF TRANSIT FUNDS.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of that chapter relating to the non-Federal share shall apply to the transferred funds.

"(3) TRANSFER TO AMTRAK AND PUBLICLY-OWNED PASSENGER RAIL LINES.—Funds made available under this title or chapter 53 of title 49 and transferred to the National Railroad Passenger Corporation or to any publicly-owned intercity or intracity passenger rail line shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title or chapter 53 of title 49, as applicable, relating to the non-Federal share shall apply to the transferred funds.

"(4) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority provided for projects described in paragraphs (1) through (3) shall be transferred in the same manner and amount as the funds for the projects are transferred."

##### SEC. 1222. PROJECT APPROVAL AND OVERSIGHT.

(a) IN GENERAL.—Section 106 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 106. Project approval and oversight";

(2) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively;

(3) by striking subsections (a) through (d) and inserting the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates as soon as practicable after they have been submitted, and shall enter into a formal project agreement with the State transportation department formalizing the conditions of the project approval. The execution of such project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

"(b) PROJECT AGREEMENT.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction. The Secretary may rely upon representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

"(1) NHS PROJECTS.—Except as otherwise provided in subsection (d) of this section, the Secretary may discharge to the State any of the Secretary's responsibilities for the design, plans, specifications, estimates, contract awards, and inspection of projects under this title on the National Highway System. Before discharging responsibilities to the State, the Secretary shall reach agreement with the State as to the extent to which the State may assume the responsibilities of the Secretary under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title as of September 30, 1997, except upon agreement by the Secretary and the State.

"(2) NON-NHS PROJECTS.—For all projects under this title that are off the National Highway System, the State may request that the Secretary no longer review and approve the design, plans, specifications, estimates, contract awards, and inspection of projects under this title. After receiving any such request, the Secretary shall undertake project review only as requested by the State.

"(d) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—Subject to paragraph (2), nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law other than this title.

"(2) LIMITATION.—Any responsibility or obligation of the Secretary under sections 113 and 114 of this title shall not be affected and may not be discharged under this section, section 133, or section 149.

"(e) VALUE ENGINEERING ANALYSIS.—In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering or other cost reduction analysis.

"(f) FINANCIAL PLAN.—The Secretary shall require a financial plan to be prepared for any project with an estimated total cost of \$1,000,000,000 or more."

(b) STANDARDS.—

(1) ELIMINATION OF GUIDELINES AND ANNUAL CERTIFICATION REQUIREMENTS.—Section 109 of title 23, United States Code, is amended—

(A) by striking subsection (m); and

(B) by redesignating subsections (n) through (q) as subsections (m) through (p), respectively.

(2) SAFETY STANDARDS.—Section 109 of title 23, United States Code (as amended by paragraph (1)), is amended by adding at the end the following:

"(q) PHASE CONSTRUCTION.—Safety considerations for a project under this title may be met by phase construction."

(c) PROGRAMS; PROJECT AGREEMENTS; CERTIFICATION ACCEPTANCE.—Sections 110 and 117 of title 23, United States Code, are repealed.

(d) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23 is amended—

(A) by striking the item relating to section 106 and inserting the following:

"106. Project approval and oversight.";

and

(B) by striking the items relating to sections 110 and 117.

(2) Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining "project agreement" by striking "the provisions of subsection (a) of section 110 of this title" and inserting "section 106".

(3) Section 114(a) of title 23, United States Code, is amended in the second sentence by striking "section 117 of this title" and inserting "section 106".

##### SEC. 1223. SURFACE TRANSPORTATION PROGRAM.

(a) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "10" and inserting "8"; and

(B) in the first sentence of paragraph (3)(A), by striking "80" and inserting "82"; and

(2) in subsection (e)—

(A) in paragraph (3)(B)(i), by striking "if the Secretary" and all that follows through "activities"; and

(B) in paragraph (5), by adding at the end the following:

"(C) INNOVATIVE FINANCING.—

"(i) IN GENERAL.—For each fiscal year, the average annual non-Federal share of the

total cost of all projects to carry out transportation enhancement activities in a State shall be not less than the non-Federal share authorized for the State under section 120(b).

“(i) EXCEPTION.—Subject to clause (i), notwithstanding section 120, in the case of projects to carry out transportation enhancement activities—

“(I) funds from other Federal agencies, and other contributions that the Secretary determines are of value, may be credited toward the non-Federal share of project costs;

“(II) the non-Federal share may be calculated on a project, multiple-project, or program basis; and

“(III) the Federal share of the cost of an individual project subject to subclause (I) or (II) may be equal to 100 percent.”.

(b) PROGRAM APPROVAL.—Section 133(e) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

“(2) PROGRAM APPROVAL.—

“(A) SUBMISSION OF PROJECT AGREEMENT.—For each fiscal year, each State shall submit a project agreement that—

“(i) certifies that the State will meet all the requirements of this section; and

“(ii) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

“(B) REQUEST FOR ADJUSTMENTS OF AMOUNTS.—As necessary, each State shall request from the Secretary adjustments to the amount of obligations referred to in subparagraph (A)(ii).

“(C) EFFECT OF APPROVAL BY THE SECRETARY.—Approval by the Secretary of a project agreement under subparagraph (A) shall be deemed a contractual obligation of the United States to pay surface transportation program funds made available under this title.”.

(c) PAYMENTS.—Section 133(e)(3)(A) of title 23, United States Code, is amended by striking the second sentence.

#### SEC. 1224. DESIGN-BUILD CONTRACTING.

(a) AUTHORITY.—Section 112(b) of title 23, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) in paragraph (2)(A), by striking “Each” and inserting “Subject to paragraph (3), each”; and

(3) by adding at the end the following:

“(3) DESIGN-BUILD CONTRACTING.—

“(A) IN GENERAL.—A State transportation department may award a contract for the design and construction of a qualified project described in subparagraph (B) using competitive selection procedures approved by the Secretary.

“(B) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter that involves installation of an intelligent transportation system or that consists of a usable project segment and for which—

“(i) the Secretary has approved the use of design-build contracting described in subparagraph (A) under criteria specified in regulations promulgated by the Secretary; and

“(ii) the total costs are estimated to exceed—

“(I) in the case of a project that involves installation of an intelligent transportation system, \$5,000,000; and

“(II) in the case of a usable project segment, \$50,000,000.”.

(b) COMPETITIVE BIDDING DEFINED.—Section 112 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) COMPETITIVE BIDDING DEFINED.—In this section, the term ‘competitive bidding’ means the procedures used to award con-

tracts for engineering and design services under subsection (b)(2) and design-build contracts under subsection (b)(3).”.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than the effective date specified in subsection (e), the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) CONTENTS.—The regulations shall—

(A) identify the criteria to be used by the Secretary in approving the use by a State transportation department of design-build contracting; and

(B) establish the procedures to be followed by a State transportation department for obtaining the Secretary’s approval of the use of design-build contracting by the department and the selection procedures used by the department.

(d) EFFECT ON EXPERIMENTAL PROGRAM.—Nothing in this section or the amendments made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning design-build contracting that is being carried out by the Secretary as of the date of enactment of this Act.

(e) EFFECTIVE DATE FOR AMENDMENTS.—The amendments made by this section take effect 2 years after the date of enactment of this Act.

#### SEC. 1225. INTEGRATED DECISIONMAKING PROCESS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

##### “§ 354. Integrated decisionmaking process

“(a) DEFINITIONS.—In this section:

“(1) INTEGRATED DECISIONMAKING PROCESS.—The term ‘integrated decisionmaking process’ means the integrated decisionmaking process established with respect to a surface transportation project under subsection (b).

“(2) NEPA PROCESS.—The term ‘NEPA process’ means the process of complying with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a surface transportation project.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(4) SURFACE TRANSPORTATION PROJECT.—The term ‘surface transportation project’ means—

“(A) a highway construction project that is subject to the approval of the Secretary under title 23; and

“(B) a capital project (as defined in section 5302(a)(1)).

“(b) ESTABLISHMENT OF INTEGRATED DECISIONMAKING PROCESSES FOR SURFACE TRANSPORTATION PROJECTS.—The Secretary shall—

“(1) establish an integrated decisionmaking process for surface transportation projects that designates major decision points likely to have significant environmental effects and conflicts; and

“(2) integrate the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with the requirements established by the Secretary for transportation planning and decisionmaking.

“(c) INTEGRATED DECISIONMAKING GOALS.—The integrated decisionmaking process for surface transportation projects should, to the maximum extent practicable, accomplish the following major goals:

“(1) Integrate the NEPA process with the planning, predesign stage, and decisionmaking for surface transportation projects at the earliest possible time.

“(2) Integrate all applicable Federal, State, tribal, and local permitting requirements.

“(3) Integrate national transportation, social, safety, economic, and environmental goals with State, tribal, and local land use and growth management initiatives.

“(4) Consolidate Federal, State, tribal, and local decisionmaking to achieve the best overall public interest according to an agreed schedule.

“(d) STREAMLINING.—

“(1) AVOIDANCE OF DELAYS, PREVENTION OF CONFLICTS, AND ELIMINATION OF UNNECESSARY DUPLICATION.—The Secretary shall design the integrated decisionmaking process to avoid delays in decisionmaking, prevent conflicts between cooperating agencies and members of the public, and eliminate unnecessary duplication of review and decisionmaking relating to surface transportation projects.

“(2) INTEGRATION; COMPREHENSIVE PROCESS.—The NEPA process—

“(A) shall be integrated with the transportation planning and decisionmaking of the Federal, State, tribal, and local transportation agencies; and

“(B) serve as a comprehensive decisionmaking process.

“(3) OTHER REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall—

“(i) establish a concurrent transportation and environmental coordination process to reduce paperwork, combine review documents, and eliminate duplicative reviews;

“(ii) develop interagency agreements to streamline and improve interagency coordination and processing time;

“(iii) apply strategic and programmatic approaches to better integrate and expedite the NEPA process and transportation decisionmaking; and

“(iv) ensure, in appropriate cases, by conducting concurrent reviews whenever possible, that any analyses and reviews conducted by the Secretary consider the needs of other reviewing agencies.

“(B) TIME SCHEDULES.—To comply with subparagraph (A)(ii), time schedules shall be consistent with sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations (or any successor regulations).

“(4) CONCURRENT PROCESSING.—

“(A) IN GENERAL.—The integrated decisionmaking process shall, to the extent practicable, include a procedure to provide for concurrent (rather than sequential) processing of all Federal, State, tribal, and local reviews and decisions emanating from those reviews.

“(B) INCONSISTENCY WITH OTHER REQUIREMENTS.—Subparagraph (A) does not require concurrent review if concurrent review would be inconsistent with other statutory or regulatory requirements.

“(e) INTERAGENCY COOPERATION.—

“(1) LEAD AND COOPERATING AGENCY CONCEPTS.—The lead and cooperating agency concepts of section 1501 of title 40, Code of Federal Regulations (or any successor regulation), shall be considered essential elements to ensure integration of transportation decisionmaking.

“(2) RESPONSIBILITIES.—The Secretary shall—

“(A) not later than 60 days after the date on which a surface transportation project is selected for study by a State, identify each Federal agency that may be required to participate in the integrated decisionmaking process relating to the surface transportation project and notify the agency of the surface transportation project;

“(B) afford State, regional, tribal, and local governments with decisionmaking authority on surface transportation projects the opportunity to serve as cooperating agencies;

“(C) provide cooperating agencies the results of any analysis or other information related to a surface transportation project;

“(D) host an early scoping meeting for Federal agencies and, when appropriate, conduct field reviews, as soon as practicable in the environmental review process;

“(E) solicit from each cooperating agency as early as practicable the data and analyses necessary to facilitate execution of the duties of each cooperating agency;

“(F) use, to the maximum extent possible, scientific, technical, and environmental data and analyses previously prepared by or for other Federal, State, tribal, or local agencies, after an independent evaluation by the Secretary of the data and analyses;

“(G) jointly, with the cooperating agencies, host public meetings and other community participation processes; and

“(H) ensure that the NEPA process and documentation provide all necessary information for the cooperating agency to—

“(i) discharge the responsibilities of the cooperating agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other law; and

“(ii) grant approvals, permits, licenses, and clearances.

“(f) ENHANCED SCOPING PROCESS.—During the scoping process for a surface transportation project, in addition to other statutory and regulatory requirements, the Secretary shall, to the extent practicable—

“(1) provide the public with clearly understandable milestones that occur during an integrated decisionmaking process;

“(2) ensure that all agencies with jurisdiction by law or with special expertise have sufficient information and data to discharge their responsibilities;

“(3) ensure that all agencies with jurisdiction by law or with special expertise, and the public, are invited to participate in the initial scoping process;

“(4) coordinate with other agencies to ensure that the agencies provide to the Secretary, not later than 30 days after the first interagency scoping meeting, any preliminary concerns about how the proposed project may affect matters within their jurisdiction or special expertise based on information available at the time of the scoping meeting; and

“(5) in cooperation with all cooperating agencies, develop a schedule for conducting all necessary environmental and other review processes.

“(g) USE OF TITLE 23 FUNDS.—

“(1) USE BY STATES.—A State may use funds made available under section 104(b) or 105 of title 23 to provide resources to Federal or State agencies involved in the review or permitting process for a surface transportation project in order to meet a time schedule established under this section.

“(2) USE AT SECRETARY'S DISCRETION.—At the request of another Federal agency involved in the review or permitting process for a surface transportation project, the Secretary may provide funds under chapter 1 of title 23 to the agency to provide resources necessary to meet the time schedules established under this section.

“(2) AMOUNT.—Funds may be provided under paragraph (1) in the amount by which the cost to complete an environmental review in accordance with a time schedule established under this section exceeds the cost that would be incurred if there were no such time schedule.

“(3) NOT FINAL AGENCY ACTION.—The provision of funds under paragraph (1) does not constitute a final agency action.

“(h) STATE ROLE.—

“(1) IN GENERAL.—For any project eligible for assistance under chapter 1 of title 23, a State may require, by law or agreement coordinating with all related State agencies, that all State agencies that—

“(A) have jurisdiction by Federal or State law over environmental, growth management, or land-use related issues that may be affected by a surface transportation project; or

“(B) have responsibility for issuing any environment related reviews, analyses, opinions, or determinations;

be subject to the coordinated environmental review process provided under this section in issuing any analyses or approvals or taking any other action relating to the project.

“(2) ALL AGENCIES.—If a State requires that any State agency participate in a coordinated environmental review process, the State shall require all affected State agencies to participate.

“(i) EARLY ACTION REGARDING POTENTIALLY INSURMOUNTABLE OBSTACLES.—If, at any time during the integrated decisionmaking process for a proposed surface transportation project, a cooperating agency determines that there is any potentially insurmountable obstacle associated with any of the alternative transportation projects that might be undertaken to address the obstacle, the Secretary shall—

“(1) convene a meeting among the cooperating agencies to address the obstacle;

“(2) initiate conflict resolution efforts under subsection (j); or

“(3) eliminate from consideration the alternative transportation project with which the obstacle is associated.

“(j) CONFLICT RESOLUTION.—

“(1) FORUM.—The NEPA process shall be used as a forum to coordinate the actions of Federal, State, regional, tribal, and local agencies, the private sector, and the public to develop and shape surface transportation projects.

“(2) APPROACHES.—Collaborative, problem solving, and consensus building approaches shall be used (and, when appropriate, mediation may be used) to implement the integrated decisionmaking process with a goal of appropriately considering factors relating to transportation development, economic prosperity, protection of public health and the environment, community and neighborhood preservation, and quality of life for present and future generations.

“(3) UNRESOLVED ISSUES.—

“(A) NOTIFICATION.—If, before the final transportation NEPA document is approved—

“(i) an issue remains unresolved between the lead Federal agency and the cooperating agency; and

“(ii) efforts have been exhausted to resolve the issue at the field levels of each agency—

“(I) within the applicable timeframe of the interagency schedule established under subsection (f)(5); or

“(II) if no timeframe is established, within 90 days;

the field level officer of the lead agency shall notify the field level officer of the cooperating agency that the field level officer of the lead agency intends to bring the issue to the personal attention of the heads of the agencies.

“(B) EFFORTS BY THE AGENCY HEADS.—The head of the lead agency shall contact the head of the cooperating agency and attempt to resolve the issue within 30 days after notification by the field level officer of the unresolved issue.

“(C) CONSULTATION WITH CEQ.—The heads of the agencies are encouraged to consult with the Chair of the Council on Environmental Quality during the 30-day period under subparagraph (B).

“(D) FAILURE TO RESOLVE.—If the heads of the agencies do not resolve the issue within the time specified in subparagraph (B), the referral process under part 1504 of title 40, Code of Federal Regulations (or any successor regulation), shall be initiated with respect to the issue.

“(k) JUDICIAL REVIEW.—Nothing in this section affects the reviewability of any final

agency action in a district court of the United States or any State court.

“(l) STATUTORY CONSTRUCTION.—Nothing in this section affects—

“(1) the applicability of the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other statute; or

“(2) the responsibility of any Federal, State, tribal, or local officer to comply with or enforce any statute or regulation.”

(b) TIMETABLE; REPORT TO CONGRESS.—The Secretary, in consultation with the Chair of the Council on Environmental Quality and after notice and opportunity for public comment—

(1) not later than 180 days after the date of enactment of this Act, shall design the integrated decisionmaking process required by the amendment made by subsection (a);

(2) not later than 1 year after the date of enactment of this Act, shall promulgate a regulation governing implementation of an integrated decisionmaking process in accordance with the amendment made by subsection (a); and

(3) not later than 2 years after the date of enactment of this Act, shall submit to Congress a report identifying any additional legislative or other solutions that would further enhance the integrated decisionmaking process.

(c) CONFORMING AMENDMENT.—The analysis for subchapter III of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

“354. Integrated decisionmaking process.”

#### CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

##### SEC. 1231. DEFINITION OF OPERATIONAL IMPROVEMENT.

Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining “operational improvement” and inserting the following:

“The term ‘operational improvement’ means the installation, operation, or maintenance, in accordance with subchapter II of chapter 5, of public infrastructure to support intelligent transportation systems and includes the installation or operation of any traffic management activity, communication system, or roadway weather information and prediction system, and any other improvement that the Secretary may designate that enhances roadway safety and mobility during adverse weather.”

##### SEC. 1232. ELIGIBILITY OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) IN GENERAL.—Section 129(c) of title 23, United States Code, is amended by inserting “in accordance with sections 103, 133, and 149,” after “toll or free.”

(b) NATIONAL HIGHWAY SYSTEM.—Section 103(b)(5) of title 23, United States Code (as amended by section 1234), is amended by adding at the end the following:

“(R) Construction of ferry boats and ferry terminal facilities, if the conditions described in section 129(c) are met.”

(c) SURFACE TRANSPORTATION PROGRAM.—Section 133(b) of title 23, United States Code, is amended by adding at the end the following:

“(12) Construction of ferry boats and ferry terminal facilities, if the conditions described in section 129(c) are met.”

(d) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (3), by striking “or” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (4) the following:

“(5) if the project or program is to construct a ferry boat or ferry terminal facility

and if the conditions described in section 129(c) are met.”.

**SEC. 1233. FLEXIBILITY OF SAFETY PROGRAMS.**

Section 133(d) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) SAFETY PROGRAMS.—

“(A) IN GENERAL.—With respect to funds apportioned for each of fiscal years 1998 through 2003—

“(i) an amount equal to 2 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 130;

“(ii) an amount equal to 2 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 152; and

“(iii) an amount equal to 6 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 130 or 152.

“(B) TRANSFER OF FUNDS.—If a State certifies to the Secretary that any part of the amount set aside by the State under subparagraph (A)(i) is in excess of the needs of the State for activities under section 130 and the Secretary accepts the certification, the State may transfer that excess part to the set-aside of the State under subparagraph (A)(ii).

“(C) TRANSFERS TO OTHER SAFETY PROGRAMS.—A State may transfer funds set aside under subparagraph (A)(iii) to the apportionment of the State under section 402 or the allocation of the State under section 31104 of title 49.”.

**SEC. 1234. ELIGIBILITY OF PROJECTS ON THE NATIONAL HIGHWAY SYSTEM.**

Section 103(b) of title 23, United States Code (as amended by section 1701(a)), is amended by adding at the end the following:

“(5) ELIGIBLE PROJECTS FOR NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1)(C) for the National Highway System may be obligated for any of the following:

“(A) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the National Highway System.

“(B) Operational improvements for segments of the National Highway System.

“(C) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System, construction of a transit project eligible for assistance under chapter 53 of title 49, and capital improvements to any National Railroad Passenger Corporation passenger rail line or any publicly-owned intercity passenger rail line, if—

“(i) the highway, transit, or rail project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;

“(ii) the construction or improvements will improve the level of service on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

“(iii) the construction or improvements are more cost-effective than an improvement to the fully access-controlled highway described in clause (i).

“(D) Highway safety improvements for segments of the National Highway System.

“(E) Transportation planning in accordance with sections 134 and 135.

“(F) Highway research and planning in accordance with chapter 5.

“(G) Highway-related technology transfer activities.

“(H) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

“(I) Fringe and corridor parking facilities.

“(J) Carpool and vanpool projects.

“(K) Bicycle transportation and pedestrian walkways in accordance with section 217.

“(L) Development, establishment, and implementation of management systems under section 303.

“(M) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetland mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetland mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, and development of statewide and regional natural habitat and wetland conservation and mitigation plans, including any such banks, efforts, and plans authorized under the Water Resources Development Act of 1990 (Public Law 101-640) (including crediting provisions). Contributions to the mitigation efforts described in the preceding sentence may take place concurrent with or in advance of project construction, except that contributions in advance of project construction may occur only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes.

“(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the terminals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with paragraph (2).

“(O) Infrastructure-based intelligent transportation systems capital improvements.

“(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

“(Q) Publicly owned components of magnetic levitation transportation systems.”.

**SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.**

Section 133(b) of title 23, United States Code (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking “and publicly owned intracity or intercity bus terminals and facilities” and inserting “, including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail”;

(2) in paragraph (3)—

(A) by striking “and bicycle” and inserting “bicycle”; and

(B) by inserting before the period at the end the following: “, and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)”;

(3) in paragraph (4)—

(A) by inserting “, publicly owned passenger rail,” after “Highway”;

(B) by inserting “infrastructure” after “safety”; and

(C) by inserting before the period at the end the following: “, and any other noninfrastructure highway safety improvements”;

(4) in the first sentence of paragraph (11)—

(A) by inserting “natural habitat and” after “participation in” each place it appears;

(B) by striking “enhance and create” and inserting “enhance, and create natural habitats and”; and

(C) by inserting “natural habitat and” before “wetlands conservation”; and

(5) by adding at the end the following:

“(13) Publicly owned intercity passenger rail infrastructure, including infrastructure owned by the National Railroad Passenger Corporation.

“(14) Publicly owned passenger rail vehicles, including vehicles owned by the National Railroad Passenger Corporation.

“(15) Infrastructure-based intelligent transportation systems capital improvements.

“(16) Publicly owned components of magnetic levitation transportation systems.

“(17) Environmental restoration and pollution abatement projects (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities, which projects shall be carried out when the transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.”.

**SEC. 1236. DESIGN FLEXIBILITY.**

Section 109 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—

“(1) REQUIREMENTS FOR FACILITIES.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

“(A) adequately serve the existing traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

“(B) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in subparagraph (A) and to conform to the particular needs of each locality.

“(2) CONSIDERATION OF PLANNED FUTURE TRAFFIC DEMANDS.—In carrying out paragraph (1), the Secretary shall ensure the consideration of the planned future traffic demands of the facility.”.

**Subtitle C—Finance**

**CHAPTER 1—GENERAL PROVISIONS**

**SEC. 1301. STATE INFRASTRUCTURE BANK PROGRAM.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

**“§ 162. State infrastructure bank program**

“(a) DEFINITIONS.—In this section:

“(1) OTHER ASSISTANCE.—The term ‘other assistance’ includes any use of funds in an infrastructure bank—

“(A) to provide credit enhancements;

“(B) to serve as a capital reserve for bond or debt instrument financing;

“(C) to subsidize interest rates;

“(D) to ensure the issuance of letters of credit and credit instruments;

“(E) to finance purchase and lease agreements with respect to transit projects;

“(F) to provide bond or debt financing instrument security; and

“(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which the assistance is being provided.

“(2) STATE.—The term ‘State’ has the meaning given the term under section 401.

“(b) COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—

“(A) PURPOSE OF AGREEMENTS.—Subject to this section, the Secretary may enter into cooperative agreements with States for the establishment of State infrastructure banks

and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

“(B) CONTENTS OF AGREEMENTS.—Each cooperative agreement shall specify procedures and guidelines for establishing, operating, and providing assistance from the infrastructure bank.

“(2) INTERSTATE COMPACTS.—If 2 or more States enter into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, Congress grants consent to those States to enter into an interstate compact establishing the bank in accordance with this section.

“(c) FUNDING.—

“(1) CONTRIBUTION.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (h)(1), a State that enters into a cooperative agreement under this section to contribute to the infrastructure bank established by the State not to exceed—

“(A)(i) the total amount of funds apportioned to the State under each of paragraphs (1) and (3) of section 104(b), excluding funds set aside under paragraphs (1) and (2) of section 133(d); and

“(ii) the total amount of funds allocated to the State under section 105;

“(B) the total amount of funds made available to the State or other Federal transit grant recipient for capital projects (as defined in section 5302 of title 49) under sections 5307, 5309, and 5311 of title 49; and

“(C) the total amount of funds made available to the State under subtitle V of title 49.

#### AMENDMENT NO. 1494

### TITLE I—SURFACE TRANSPORTATION

#### SEC. 1001. SHORT TITLE.

This title may be cited as the “Surface Transportation Act of 1997”.

#### SUBTITLE A—GENERAL PROVISIONS

#### SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$11,013,799,000 for fiscal year 1998, \$10,820,000,000 for fiscal year 1999, \$10,829,000,000 for fiscal year 2000, \$10,929,000,000 for fiscal year 2001, \$11,213,799,000 for fiscal year 2002, and \$11,675,799,000 for fiscal year 2003, of which—

(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, \$4,773,000,000 for fiscal year 2002, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$6,437,055,000 for fiscal year 1998, \$6,441,000,000 for fiscal year 1999, \$6,483,000,000 for fiscal year 2000, \$6,521,000,000 for fiscal year 2001, \$6,669,000,000 for fiscal year 2002, and \$6,872,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement pro-

gram under section 149 of that title \$1,057,698,000 for fiscal year 1998, \$1,058,698,000 for fiscal year 1999, \$1,064,699,000 for fiscal year 2000, \$1,074,600,000 for fiscal year 2001, \$1,098,000,000 for fiscal year 2002, and \$1,127,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

#### SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the

Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.

(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 nonattainment and maintenance area populations in each State; bears to

(ii) the total of all weighted nonattainment and maintenance area populations in all States.



“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—  
“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—  
(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—  
(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and  
(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

#### AMENDMENT NO. 1495

Beginning on page 5, strike line 1 and all that follows through page 22, line 24, and insert the following:

### TITLE I—SURFACE TRANSPORTATION

#### SEC. 1001. SHORT TITLE.

This title may be cited as the “Surface Transportation Act of 1997”.

#### Subtitle A—General Provisions

#### SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$11,424,851,000 for fiscal year 1998, \$11,254,000,000 for fiscal year 1999, \$11,284,000,000 for fiscal year 2000, \$11,384,000,000 for fiscal year 2001, \$11,620,000,000 for fiscal year 2002, and \$12,110,000,000 for fiscal year 2003, of which—

(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, \$4,773,000,000 for fiscal year 2002, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,000,000,000 for fiscal year 1998, \$7,014,000,000 for fiscal year 1999, \$7,056,000,000 for fiscal year 2000, \$7,113,000,000 for fiscal year 2001, \$7,263,000,000 for fiscal year 2002, and \$7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement pro-

gram under section 149 of that title \$1,150,000,000 for fiscal year 1998, \$1,152,000,000 for fiscal year 1999, \$1,159,000,000 for fiscal year 2000, \$1,169,000,000 for fiscal year 2001, \$1,193,000,000 for fiscal year 2002, and \$1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

#### SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the

Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) 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.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

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

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”

(c) ISTE A TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title;

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

AMENDMENT NO. 1496

Beginning on page 5, strike line 1 and all that follows through page 23, line 25, and insert the following:

## TITLE I—SURFACE TRANSPORTATION

### SEC. 1001. SHORT TITLE.

This title may be cited as the “Surface Transportation Act of 1997”.

#### Subtitle A—General Provisions

### SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$11,492,988,000 for fiscal year 1998, \$11,320,000,000 for fiscal year 1999, \$11,330,000,000 for fiscal year 2000, \$11,420,000,000 for fiscal year 2001, \$11,730,000,000 for fiscal year 2002, and \$12,230,000,000 for fiscal year 2003, of which—

(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, \$4,773,000,000 for fiscal year 2002, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,000,000,000 for fiscal year 1998, \$7,014,000,000 for fiscal year 1999, \$7,056,000,000 for fiscal year 2000, \$7,113,000,000 for fiscal year 2001, \$7,263,000,000 for fiscal year 2002, and \$7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,150,000,000 for fiscal year 1998, \$1,152,000,000 for fiscal year 1999, \$1,159,000,000 for fiscal year 2000, \$1,169,000,000 for fiscal year 2001, \$1,193,000,000 for fiscal year 2002, and \$1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative

Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

**SEC. 1102. APPORTIONMENTS.**

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(I) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(i) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NON-ATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of

part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(II) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(II) of paragraph (I)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

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

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 115 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and

#### AMENDMENT NO. 1497

Beginning on page 5, strike line 1 and all that follows through page 25, line 25, and insert the following:

### TITLE 1—SURFACE TRANSPORTATION

#### SEC. 1001. SHORT TITLE.

This title may be cited as the “Surface Transportation Act of 1997”.

#### Subtitle A—General Provisions

#### SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$12,291,156,000 for fiscal year 1998, \$12,118,156,000 for fiscal year 1999, \$12,129,456,000 for fiscal year 2000, \$12,240,456,000 for fiscal year 2001, \$12,566,456,000 for fiscal year 2002, and \$13,096,456,000 for fiscal year 2003, of which—

(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, \$4,773,000,000 for fiscal year 2002, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,183,601,000 for fiscal year 1998, \$7,197,601,000 for fiscal year 1999, \$7,239,601,000 for fiscal year 2000, \$7,296,601,000 for fiscal year 2001, \$7,446,601,000 for fiscal year 2002, and \$7,667,601,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,150,836,000 for fiscal year 1998, \$1,152,836,000 for fiscal year 1999, \$1,159,836,000 for fiscal year 2000, \$1,169,836,000 for fiscal year 2001, \$1,193,836,000 for fiscal year 2002, and \$1,231,836,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of

that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

#### SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described

in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) 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.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (I)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (I)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

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

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title;

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—  
(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 130 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 130 percent, and, in the case of each of fiscal years 1999 through 2003, 130 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

AMENDMENT NO. 1498

Beginning on page 5, strike line 1 and all that follows through page 29, line 25, and insert the following:

**TITLE I—SURFACE TRANSPORTATION**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the "Surface Transportation Act of 1997".

**Subtitle A—General Provisions**

**SEC. 1101. AUTHORIZATIONS.**

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$11,149,630,000 for fiscal year 1998, \$10,978,630,000 for fiscal year 1999, \$10,989,930,000 for fiscal year 2000, \$11,089,930,000 for fiscal year 2001, \$11,417,930,000 for fiscal year 2002, and \$11,953,930,000 for fiscal year 2003, of which—  
(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, \$4,773,000,000 for fiscal year 2002, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and  
(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,000,000,000 for fiscal year 1998, \$7,014,000,000 for fiscal year 1999, \$7,056,000,000 for fiscal year 2000, \$7,113,000,000 for fiscal year 2001, \$7,263,000,000 for fiscal year 2002, and \$7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,150,000,000 for fiscal year 1998, \$1,152,000,000 for fiscal year 1999, \$1,159,000,000 for fiscal year 2000, \$1,169,000,000 for fiscal year 2001, \$1,193,000,000 for fiscal year 2002, and \$1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

**SEC. 1102. APPORTIONMENTS.**  
(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:  
"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabili-

tating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105



of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area

described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”.

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

## (3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

## (B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

## (ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

## (4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

## (ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

## (C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

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

## (d) MINIMUM GUARANTEE.—

(I) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

**“§ 105. Minimum guarantee**

“(a) ADJUSTMENT.—

“(I) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

“(A) the ratio that—

“(i) each State’s percentage of the total apportionments for the fiscal year—

“(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

“(II) under section 204 for the Federal lands highways program; and

“(III) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

“(ii) each State’s percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;”.

## AMENDMENT No. 1499

Beginning on page 5, strike line 1 and all that follows through page 106, line 25, and insert the following:

**TITLE I—SURFACE TRANSPORTATION****SEC. 1001. SHORT TITLE.**

This title may be cited as the “Surface Transportation Act of 1997”.

**Subtitle A—General Provisions****SEC. 1101. AUTHORIZATIONS.**

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(I) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$12,053,000,000 for fiscal year 1998, \$11,882,000,000 for fiscal year 1999, \$11,893,000,000 for fiscal year 2000, \$11,990,000,000 for fiscal year 2001, \* \* \* for fiscal year 2002, and \$12,850,000,000 for fiscal year 2003, of which—

(A) \$4,637,000,000 for fiscal year 1998, \$4,645,000,000 for fiscal year 1999, \$4,674,000,000 for fiscal year 2000, \$4,711,000,000 for fiscal year 2001, \$4,810,000,000 for fiscal year 2002, and \$4,955,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,437,000,000 for fiscal year 1998, \$1,440,000,000 for fiscal year 1999, \$1,448,000,000 for fiscal year 2000, \$1,460,000,000 for fiscal year 2001, \$1,490,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

## (2) SURFACE TRANSPORTATION PROGRAM.—

For the surface transportation program under section 133 of that title \$7,000,000,000 for fiscal year 1998, \$7,014,000,000 for fiscal year 1999, \$7,056,000,000 for fiscal year 2000, \$7,113,000,000 for fiscal year 2001, \$7,263,000,000 for fiscal year 2002, and \$7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,150,000,000 for fiscal year 1998, \$1,152,000,000 for fiscal year 1999, \$1,159,000,000 for fiscal year 2000, \$1,169,000,000 for fiscal year 2001, \$1,193,000,000 for fiscal year 2002, and \$1,230,000,000 for fiscal year 2003.

## (4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

**SEC. 1102. APPORTIONMENTS.**

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(I) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years

1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—  
 (i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—  
 (i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and

the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

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

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

**“§ 105. Minimum guarantee**

“(a) ADJUSTMENT.—

“(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

“(A) the ratio that—

“(i) each State’s percentage of the total apportionments for the fiscal year—

“(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropoli-

tan planning, and the congestion mitigation and air quality improvement program; and

“(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

“(ii) each State’s percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

“(B) in the case of a State specified in paragraph (2), the State’s percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

“(i) not less than the percentage specified for the State in paragraph (2); but

“(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

State	Percentage
Alaska .....	1.24
Arkansas .....	1.33
Delaware .....	0.47
Hawaii .....	0.55
Idaho .....	0.82
Montana .....	1.06
Nevada .....	0.73
New Hampshire .....	0.52
New Jersey .....	2.41
New Mexico .....	1.05
North Dakota .....	0.73
Rhode Island .....	0.58
South Dakota .....	0.78
Vermont .....	0.47
Wyoming .....	0.76.

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

“105. Minimum guarantee.”.

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for

the conduct of annual audits of financial statements in accordance with section 3521 of title 31."

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "NOTIFICATION TO STATES.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—  
"(1) SET-ASIDE.—On";

(B) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(C) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The".

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(2)".

(2) (A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "AFTER THE FIRST YEAR" and inserting "IN GENERAL"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(2)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

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

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

(4) (A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5) (A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)(A)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the

Intermodal Surface Transportation Efficiency Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6) (A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f)"; and

(ii) in subsection (c), by striking "144,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

#### SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

- (1) \$21,800,000,000 for fiscal year 1998;
- (2) \$22,802,000,000 for fiscal year 1999;
- (3) \$22,939,000,000 for fiscal year 2000;
- (4) \$23,183,000,000 for fiscal year 2001;
- (5) \$23,699,000,000 for fiscal year 2002; and
- (6) \$24,548,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the

amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

"(g) OBLIGATION AUTHORITY.—

"(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

"(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

"(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

"(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

"(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

"(C) notwithstanding subparagraphs (A) and (B), not distribute—

"(i) amounts deducted under section 104(a) for administrative expenses;

"(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

"(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

"(iv) amounts made available under section 111 of title 49;

"(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

"(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

"(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

"(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

“(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

“(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

“(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

“(2) REDISTRIBUTION.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

“(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

“(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).”

(e) APPLICABILITY OF OBLIGATION LIMITATIONS.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

**SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.**

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) OBLIGATION AUTHORITY.—

“(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

“(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

“(B) the ratio that—

“(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

“(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

“(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).”

**SEC. 1105. EMERGENCY RELIEF.**

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking “highway system” and inserting “highway”.

(b) ELIGIBILITY AND FUNDING.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

“(a) GENERAL ELIGIBILITY.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

“(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

“(2) catastrophic failure from any external cause.

“(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

“(c) FUNDING.—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

“(1) Not more than \$100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

“(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.”

(4) in subsection (d) (as so redesignated), by striking “subsection (c)” both places it appears and inserting “subsection (e)”; and

(5) in subsection (e) (as so redesignated), by striking “on any of the Federal-aid highway systems” and inserting “Federal-aid highways”.

(c) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

**SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.**

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may

be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

“(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.”

(b) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended by adding at the end the following: “Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to pay the Federal share of the cost of the project.”

(c) PLANNING AND AGENCY COORDINATION.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

“(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

“(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

“(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

“(A) shall be developed in cooperation with States and metropolitan planning organizations; and

“(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

“(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

“(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.”

(2) in subsection (b), by striking the first 3 sentences and inserting the following: “Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways,

roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.”;

(3) in the first sentence of subsection (e), by striking “Secretary of the Interior” and inserting “Secretary of the appropriate Federal land management agency”;

(4) in subsection (h), by adding at the end the following:

“(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.”;

(5) by striking subsection (i) and inserting the following:

“(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

“(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section.”;

and

(6) in subsection (j), by striking the second sentence and inserting the following: “The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).”.

#### SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

##### “§ 206. Recreational trails program

“(a) DEFINITIONS.—

“(1) MOTORIZED RECREATION.—The term ‘motorized recreation’ means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

“(2) RECREATIONAL TRAIL; TRAIL.—The term ‘recreational trail’ or ‘trail’ means a thoroughfare or track across land or snow, used for recreational purposes such as—

“(A) pedestrian activities, including wheelchair use;

“(B) skating or skateboarding;

“(C) equestrian activities, including carriage driving;

“(D) nonmotorized snow trail activities, including skiing;

“(E) bicycling or use of other human-powered vehicles;

“(F) aquatic or water activities; and

“(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

“(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the ‘program’).

“(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

“(1) a State may use apportionments received under this section for construction of

new trails crossing Federal lands only if the construction is—

“(A) permissible under other law;

“(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.);

“(C) approved by the administering agency of the State designated under paragraph (2); and

“(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

“(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

“(d) USE OF APPORTIONED FUNDS.—

“(1) IN GENERAL.—Funds made available under this section shall be obligated for trails and trail-related projects that—

“(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

“(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.).

“(2) PERMISSIBLE USES.—Permissible uses of funds made available under this section include—

“(A) maintenance and restoration of existing trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

“(C) purchase and lease of trail construction and maintenance equipment;

“(D) construction of new trails;

“(E) acquisition of easements and fee simple title to property for trails or trail corridors;

“(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

“(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

“(3) USE OF APPORTIONMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

“(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

“(ii) 30 percent shall be used for uses relating to motorized recreation; and

“(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

“(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000

acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

“(C) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

“(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

“(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

“(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

“(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

“(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

“(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section; may be credited toward the non-Federal share of the cost of the project.

“(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

“(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) USES NOT PERMITTED.—A State may not obligate funds apportioned under this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and



“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan; or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

“(h) PROJECT ADMINISTRATION.—

“(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

“(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

“(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

“(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

“(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).

“(4) COOPERATION BY PRIVATE PERSONS.—

“(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

“(B) PUBLIC ACCESS.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

“(i) APPORTIONMENT.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State that meets the requirements of subsection (c).

“(2) APPORTIONMENT.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

“(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

“(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of non-highway recreational fuel used in each eligible State during the preceding year.

“(j) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this

section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

“(2) USE OF CONTRACTS.—To carry out research funded under paragraph (1), the Secretary may—

“(A) enter into contracts with for-profit organizations; and

“(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

“(k) 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 \$17,000,000 for fiscal year 1998, \$20,000,000 for fiscal year 1999, \$22,000,000 for fiscal year 2000, \$23,000,000 for fiscal year 2001, \$24,000,000 for fiscal year 2002, and \$25,000,000 for fiscal year 2003.

“(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, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.”.

(b) CONFORMING AMENDMENTS.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

“206. Recreational trails program.”.

#### SEC. 1108. VALUE PRICING PILOT PROGRAM.

(a) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking “CONGESTION” and inserting “VALUE”; and

(2) in paragraph (1), by striking “congestion” each place it appears and inserting “value”.

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking “5” and inserting “15”.

(c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.—Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after “Secretary shall fund” the following: “all preimplementation costs and project design, and”; and

(2) by inserting after “Secretary may not fund” the following: “the implementation costs of”.

(d) TOLLING.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking “a pilot program under this section, but not on more than 3 of such programs” and inserting “any value pricing pilot program under this subsection”.

(e) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

“(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.”.

(f) FUNDING.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

“(7) 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 \$8,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY.—

“(i) IN GENERAL.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

“(ii) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds \$8,000,000 as of September 30 of any year, the excess amount—

“(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

“(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

“(III) shall be available for any purpose eligible for funding under section 133 of that title.

“(C) 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, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.”.

(g) CONFORMING AMENDMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking “projects” each place it appears and inserting “programs”; and

(2) in paragraph (5)—

(A) by striking “projects” and inserting “programs”; and

(B) by striking “traffic, volume” and inserting “traffic volume”.

#### SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

##### “§ 143. Highway use tax evasion projects

“(a) DEFINITION OF STATE.—In this section, the term ‘State’ means the 50 States and the District of Columbia.

“(b) PROJECTS.—

“(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

“(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

“(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

“(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

“(A) to expand efforts to enhance motor fuel tax enforcement;

“(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

“(C) to supplement motor fuel tax examinations and criminal investigations;

“(D) to develop automated data processing tools to monitor motor fuel production and sales;

“(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

“(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

“(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

“(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

“(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

“(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(A) IN GENERAL.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$5,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY OF FUNDS.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

“(C) EXCISE FUEL REPORTING SYSTEM.—

“(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the ‘system’).

“(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

“(A) the Internal Revenue Service shall develop and maintain the system through contracts;

“(B) the system shall be under the control of the Internal Revenue Service; and

“(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

“(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

“(A) \$8,000,000 for development of the system; and

“(B) \$2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.”.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

“143. Highway use tax evasion projects.”.

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking “section 1040 of this Act” and inserting “section 143 of title 23, United States Code.”; and

(B) by striking subsection (h).

**SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.**

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting “pedestrian walkways and” after “construction of”; and

(B) by striking “(other than the Interstate System)”;

(2) in subsection (e), by striking “, other than a highway access to which is fully controlled.”;

(3) by striking subsection (g) and inserting the following:

“(g) PLANNING AND DESIGN.—

“(1) IN GENERAL.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

“(2) CONSTRUCTION.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

“(3) SAFETY AND CONTIGUOUS ROUTES.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.”;

(4) in subsection (h)—

(A) by striking “No motorized vehicles shall” and inserting “Motorized vehicles may not”; and

(B) by striking paragraph (3) and inserting the following:

“(3) wheelchairs that are powered; and”;

(5) by striking subsection (j) and inserting the following:

“(j) DEFINITIONS.—In this section:

“(1) BICYCLE TRANSPORTATION FACILITY.—The term ‘bicycle transportation facility’ means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

“(2) PEDESTRIAN.—The term ‘pedestrian’ means any person traveling by foot or any mobility impaired person using a wheelchair.

“(3) WHEELCHAIR.—The term ‘wheelchair’ means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.”.

**SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.**

(a) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$16,600,000, as adjusted by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and

economically disadvantaged individuals” has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

**SEC. 1112. FEDERAL SHARE PAYABLE.**

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: “In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.”; and

(2) by adding at the end the following:

“(1) CREDIT FOR NON-FEDERAL SHARE.—

“(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

“(2) MAINTENANCE OF EFFORT.—

“(A) IN GENERAL.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

“(B) CONDITIONS ON RECEIPT OF CREDIT.—

“(i) AGREEMENT WITH THE SECRETARY.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

“(ii) EXCEPTION.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

“(3) TREATMENT.—

“(A) IN GENERAL.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

“(B) CHARTERED MULTISTATE AGENCIES.—When credit is applied from a chartered

multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

“(C) NO ADDITIONAL STANDARDS.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.”

**SEC. 1113. STUDIES AND REPORTS.**

(a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

(1) METHODOLOGY.—

(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the “model”).

(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) STATE INVESTMENT PLANS.—

(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) REQUIRED ELEMENTS.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) INTERNATIONAL ROUGHNESS INDEX.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) REQUIRED ELEMENTS.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) REPORTING OF RATES OF OBLIGATION.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

“(j) REPORTING OF RATES OF OBLIGATION.—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

“(1) program;

“(2) funding category or subcategory;

“(3) type of improvement;

“(4) State; and

“(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.”

**SEC. 1114. DEFINITIONS.**

(a) FEDERAL-AID HIGHWAY FUNDS AND PROGRAM.—

(1) IN GENERAL.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining “Federal-aid highways” the following:

“The term ‘Federal-aid highway funds’ means funds made available to carry out the Federal-aid highway program.

“The term ‘Federal-aid highway program’ means all programs authorized under chapters 1, 3, and 5.”

(2) CONFORMING AMENDMENTS.—

(A) Section 101(d) of title 23, United States Code, is amended by striking “the construction of Federal-aid highways or highway planning, research, or development” and inserting “the Federal-aid highway program”.

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking “Federal-aid highways and the highway safety construction programs” and inserting “the Federal-aid highway program”.

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking “Federal-aid highways” and inserting “the Federal-aid highway program”.

(b) ALPHABETIZATION OF DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

**SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.**

(a) IN GENERAL.—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

**“§ 207. Cooperative Federal Lands Transportation Program**

“(a) IN GENERAL.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the ‘program’). Funds available for the program may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations (including Army Corps of Engineers reservoirs), as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).”

“(b) DISTRIBUTION OF FUNDS FOR PROJECTS.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—The Secretary—

“(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate (including the Army Corps of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

“(ii) shall determine the sum of the percentages determined under clause (i) for

States with respect to which the percentage is 4.5 or greater; and

“(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

“(I) the percentage for the State determined under clause (i); by

“(II) the sum determined under clause (ii).

“(B) ADJUSTMENT.—The Secretary shall—

“(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

“(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

“(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

“(A) the percentage for the State, if any, determined under paragraph (1); by

“(B) the funds made available for the program for the fiscal year.

“(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary’s discretion, 1/3 of the amount by which the estimated cost of the State’s applications is less than 3 times the amount for the State determined under paragraph (2).

“(c) TRANSFERS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

“(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.120

“(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—Nothing in this section affects any claim for a right-of-way across Federal land.

“(e) 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 \$74,000,000 for each of fiscal years 1998 through 2003.

“(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.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal Lands Transportation Program."

**SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.**

(a) DEFINITIONS.—In this section:

(1) BORDER REGION.—The term "border region" means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(2) BORDER STATE.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) BORDER STATION.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) FEDERAL INSPECTION AGENCY.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) GATEWAY.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

(1) IN GENERAL.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) LIMITATION ON AMOUNT.—Each State transportation department or metropolitan planning organization may receive not more than \$100,000 under this subsection for any fiscal year.

(5) 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 \$1,400,000 for each of fiscal years 1998 through 2003.

(B) 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, except that the Federal share of the cost of a project under

this subsection shall be determined in accordance with subsection (f).

(c) TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) COORDINATION OF PLANNING.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) 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 \$3,000,000 for each of fiscal years 1998 through 2003.

(B) 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, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF.—

(1) APPLICATIONS FOR GRANTS.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the an-

nual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

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

(3) USE OF GRANTS.—

(A) IN GENERAL.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) TYPE OF PLANS AND PROGRAMS.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than \$10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$125,000,000 for each of fiscal years 1998 through 2003.

## (e) COORDINATION OF PLANNING.—

(1) PLANNING AND DEVELOPMENT OF BORDER STATIONS.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) COOPERATIVE ACTIVITIES.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) COST SHARING.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds \$4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

**SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

(a) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: “, except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years”; and

(2) by inserting after the second sentence the following: “Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the Commission for reallocation and shall remain available until expended.”.

(b) SUBSTITUTE CORRIDOR.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking “(b) The Commission” and inserting the following:

“(b) DESIGNATIONS.—

“(1) IN GENERAL.—The Commission”; and

(3) by adding at the end the following:

“(2) SUBSTITUTE CORRIDOR.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).”.

(c) FEDERAL SHARE FOR PREFINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking “70 percent” and inserting “80 percent”.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

“(g) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) IN GENERAL.—

“(A) FISCAL YEARS 1998 THROUGH 2003.—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) \$40,000,000 for each of fiscal years 1998 through 2000, \$50,000,000 for fiscal year 2001, \$60,000,000 for fiscal year 2002, and \$70,000,000 for fiscal year 2003.

“(B) OBLIGATION AUTHORITY.—The Secretary shall provide equivalent amounts of obligation authority for the funds authorized under subparagraph (A).

“(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, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).”.

**SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.**

(a) IN GENERAL.—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

“(k) SET-ASIDE FOR INTERSTATE 4R AND BRIDGE PROJECTS.—

“(1) IN GENERAL.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside \$107,000,000 from amounts to be apportioned under subsection (b)(1)(A), and \$107,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

“(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December”.

**AMENDMENT No. 1500**

Beginning on page 5, strike line 1 and all that follows through page 123, line 25, and insert the following:

**TITLE I—SURFACE TRANSPORTATION****SEC. 1001. SHORT TITLE.**

This title may be cited as the “Surface Transportation Act of 1997”.

**Subtitle A—General Provisions****SEC. 1101. AUTHORIZATIONS.**

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$10,851,583,000 for fiscal year 1998, \$10,680,583,000 for fiscal year 1999, \$10,691,883,000 for fiscal year 2000, \$11,791,883,000 for fiscal year 2001, \$12,119,883,000 for fiscal year 2002, and \$12,655,883,000 for fiscal year 2003, of which—

(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, \$4,773,000,000 for fiscal year 2002, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—

For the surface transportation program under section 133 of that title \$6,609,600,000 for fiscal year 1998, \$6,623,600,000 for fiscal year 1999, \$6,665,600,000 for fiscal year 2000, \$6,722,600,000 for fiscal year 2001, \$6,872,600,000 for fiscal year 2002, and \$7,093,600,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,085,863,000 for fiscal year 1998, \$1,087,863,000 for fiscal year 1999, \$1,094,863,000 for fiscal year 2000, \$1,104,863,000 for fiscal year 2001, \$1,128,863,000 for fiscal year 2002, and \$1,165,863,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

**SEC. 1102. APPORTIONMENTS.**

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the product obtained by multiplying—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; by

“(II) the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis; bears to

“(ii) the product obtained by multiplying—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States; by

“(II) the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the product obtained by multiplying the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State by the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis; bears to

“(bb) the product obtained by multiplying the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States by the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the product obtained by multiplying—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(II) of paragraph (I)) in each State; by

“(bb) the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis; bears to

“(II) the product obtained by multiplying—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(II) of paragraph (I)) in all States; by

“(bb) the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section

“(i) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the product obtained by multiplying—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(II) of paragraph (I)) in each State; by

“(bb) the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis.

“(II) the product obtained by multiplying—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(II) of paragraph (I)) in all States; by

“(bb) the average price per square foot of replacement and rehabilitation of the bridges, as determined by the Secretary on a State-by-State basis.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title."

(c) ISTE A TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the

State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

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

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

“§ 105. Minimum guarantee

“(a) ADJUSTMENT.—

“(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

“(A) the ratio that—

“(i) each State’s percentage of the total apportionments for the fiscal year—

“(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

“(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTE A transition; bears to

“(ii) each State’s percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

“(B) in the case of a State specified in paragraph (2), the State’s percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

“(i) not less than the percentage specified for the State in paragraph (2); but

“(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

State	Percentage
Alaska .....	1.24
Arkansas .....	1.33
Delaware .....	0.47
Hawaii .....	0.55
Idaho .....	0.82
Montana .....	1.06
Nevada .....	0.73
New Hampshire .....	0.52
New Jersey .....	2.41
New Mexico .....	1.05
North Dakota .....	0.73
Rhode Island .....	0.58
South Dakota .....	0.78
Vermont .....	0.47
Wyoming .....	0.76.

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any



other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section."

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee."

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31."

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "NOTIFICATION TO STATES.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(B) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(C) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The".

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(2)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "AFTER THE FIRST YEAR" and inserting "IN GENERAL"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(2)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

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

"(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September

30, 1988, shall be available for apportionment to that State."

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)(A)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f)"; and

(ii) in subsection (c), by striking "144,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

#### SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) \$21,800,000,000 for fiscal year 1998;

(2) \$22,802,000,000 for fiscal year 1999;

(3) \$22,939,000,000 for fiscal year 2000;

(4) \$23,183,000,000 for fiscal year 2001;

(5) \$23,699,000,000 for fiscal year 2002; and

(6) \$24,548,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

"(g) OBLIGATION AUTHORITY.—

"(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

"(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

"(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

"(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

"(B) provide all States with authority sufficient to prevent lapses of sums authorized

to be appropriated for Federal-aid highways that have been apportioned to a State; and

“(C) notwithstanding subparagraphs (A) and (B), not distribute—

“(i) amounts deducted under section 104(a) for administrative expenses;

“(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

“(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

“(iv) amounts made available under section 111 of title 49;

“(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

“(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

“(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

“(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

“(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

“(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

“(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

“(2) REDISTRIBUTION.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

“(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

“(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).”

(e) **APPLICABILITY OF OBLIGATION LIMITATIONS.**—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

**SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.**

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) **OBLIGATION AUTHORITY.**—

“(1) **IN GENERAL.**—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

“(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

“(B) the ratio that—

“(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

“(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

“(2) **JOINT RESPONSIBILITY.**—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).”

**SEC. 1105. EMERGENCY RELIEF.**

(a) **FEDERAL SHARE.**—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking “highway system” and inserting “highway”.

(b) **ELIGIBILITY AND FUNDING.**—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

“(a) **GENERAL ELIGIBILITY.**—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

“(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

“(2) catastrophic failure from any external cause.

“(b) **RESTRICTION ON ELIGIBILITY.**—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

“(c) **FUNDING.**—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

“(1) Not more than \$100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

“(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.”

(4) in subsection (d) (as so redesignated), by striking “subsection (c)” both places it appears and inserting “subsection (e)”; and

(5) in subsection (e) (as so redesignated), by striking “on any of the Federal-aid highway

systems” and inserting “Federal-aid highways”.

(c) **SAN MATEO COUNTY, CALIFORNIA.**—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

**SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.**

(a) **FEDERAL SHARE PAYABLE.**—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(j) **USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.**—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

“(k) **USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.**—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.”

(b) **AVAILABILITY OF FUNDS.**—Section 203 of title 23, United States Code, is amended by adding at the end the following: “Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to the pay the Federal share of the cost of the project.”

(c) **PLANNING AND AGENCY COORDINATION.**—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

“(2) **TRANSPORTATION PLANNING PROCEDURES.**—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

“(3) **APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.**—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

“(4) **INCLUSION IN OTHER PLANS.**—All regionally significant Federal lands highways program projects—

“(A) shall be developed in cooperation with States and metropolitan planning organizations; and

“(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

“(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

“(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.”;

(2) in subsection (b), by striking the first 3 sentences and inserting the following: “Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.”;

(3) in the first sentence of subsection (e), by striking “Secretary of the Interior” and inserting “Secretary of the appropriate Federal land management agency”;

(4) in subsection (h), by adding at the end the following:

“(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.”;

(5) by striking subsection (i) and inserting the following:

“(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

“(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section.”; and

(6) in subsection (j), by striking the second sentence and inserting the following: “The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).”.

#### SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

##### “§ 206. Recreational trails program

“(a) DEFINITIONS.—

“(1) MOTORIZED RECREATION.—The term ‘motorized recreation’ means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

“(2) RECREATIONAL TRAIL; TRAIL.—The term ‘recreational trail’ or ‘trail’ means a thor-

oughfare or track across land or snow, used for recreational purposes such as—

“(A) pedestrian activities, including wheelchair use;

“(B) skating or skateboarding;

“(C) equestrian activities, including carriage driving;

“(D) nonmotorized snow trail activities, including skiing;

“(E) bicycling or use of other human-powered vehicles;

“(F) aquatic or water activities; and

“(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

“(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the ‘program’).

“(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

“(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

“(A) permissible under other law;

“(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460-4 et seq.);

“(C) approved by the administering agency of the State designated under paragraph (2); and

“(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

“(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

“(d) USE OF APPORTIONED FUNDS.—

“(1) IN GENERAL.—Funds made available under this section shall be obligated for trails and trail-related projects that—

“(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

“(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460-4 et seq.).

“(2) PERMISSIBLE USES.—Permissible uses of funds made available under this section include—

“(A) maintenance and restoration of existing trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

“(C) purchase and lease of trail construction and maintenance equipment;

“(D) construction of new trails;

“(E) acquisition of easements and fee simple title to property for trails or trail corridors;

“(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

“(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

“(3) USE OF APPORTIONMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

“(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

“(ii) 30 percent shall be used for uses relating to motorized recreation; and

“(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

“(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

“(C) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

“(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

“(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

“(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

“(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

“(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

“(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section;

may be credited toward the non-Federal share of the cost of the project.

“(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

“(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) USES NOT PERMITTED.—A State may not obligate funds apportioned under this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan; or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

“(h) PROJECT ADMINISTRATION.—

“(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

“(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

“(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

“(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

“(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)).

“(4) COOPERATION BY PRIVATE PERSONS.—

“(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and par-

ticipate as necessary in the activities to be conducted.

“(B) PUBLIC ACCESS.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

“(i) APPORTIONMENT.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State that meets the requirements of subsection (c).

“(2) APPORTIONMENT.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

“(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

“(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of non-highway recreational fuel used in each eligible State during the preceding year.

“(j) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

“(2) USE OF CONTRACTS.—To carry out research funded under paragraph (1), the Secretary may—

“(A) enter into contracts with for-profit organizations; and

“(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

“(k) 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 \$17,000,000 for fiscal year 1998, \$20,000,000 for fiscal year 1999, \$22,000,000 for fiscal year 2000, \$23,000,000 for fiscal year 2001, \$24,000,000 for fiscal year 2002, and \$25,000,000 for fiscal year 2003.

“(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, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.”

(b) CONFORMING AMENDMENTS.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

“206. Recreational trails program.”

**SEC. 1108. VALUE PRICING PILOT PROGRAM.**

(a) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking “CONGESTION” and inserting “VALUE”; and

(2) in paragraph (1), by striking “congestion” each place it appears and inserting “value”.

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking “5” and inserting “15”.

(c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.—Section 1012(b)(2) of the Intermodal

Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after “Secretary shall fund” the following: “all preimplementation costs and project design, and”; and

(2) by inserting after “Secretary may not fund” the following: “the implementation costs of”.

(d) TOLLING.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking “a pilot program under this section, but not on more than 3 of such programs” and inserting “any value pricing pilot program under this subsection”.

(e) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

“(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.”

(f) FUNDING.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

“(7) 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 \$8,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY.—

“(i) IN GENERAL.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

“(ii) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds \$8,000,000 as of September 30 of any year, the excess amount—

“(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

“(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

“(III) shall be available for any purpose eligible for funding under section 133 of that title.

“(C) 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, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.”

(g) CONFORMING AMENDMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking “projects” each place it appears and inserting “programs”; and

(2) in paragraph (5)—

(A) by striking “projects” and inserting “programs”; and

(B) by striking “traffic, volume” and inserting “traffic volume”.

**SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.**

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

**“§ 143. Highway use tax evasion projects**

“(a) DEFINITION OF STATE.—In this section, the term ‘State’ means the 50 States and the District of Columbia.

“(b) PROJECTS.—

“(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

“(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

“(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

“(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

“(A) to expand efforts to enhance motor fuel tax enforcement;

“(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

“(C) to supplement motor fuel tax examinations and criminal investigations;

“(D) to develop automated data processing tools to monitor motor fuel production and sales;

“(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

“(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

“(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

“(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

“(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

“(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(A) IN GENERAL.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$5,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY OF FUNDS.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

“(c) EXCISE FUEL REPORTING SYSTEM.—

“(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the ‘system’).

“(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

“(A) the Internal Revenue Service shall develop and maintain the system through contracts;

“(B) the system shall be under the control of the Internal Revenue Service; and

“(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

“(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

“(A) \$8,000,000 for development of the system; and

“(B) \$2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.”.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

“143. Highway use tax evasion projects.”.

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking “section 1040 of this Act” and inserting “section 143 of title 23, United States Code.”; and

(B) by striking subsection (h).

**SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.**

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting “pedestrian walkways and” after “construction of”; and

(B) by striking “(other than the Interstate System)”;

(2) in subsection (e), by striking “, other than a highway access to which is fully controlled.”;

(3) by striking subsection (g) and inserting the following:

“(g) PLANNING AND DESIGN.—

“(1) IN GENERAL.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

“(2) CONSTRUCTION.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

“(3) SAFETY AND CONTIGUOUS ROUTES.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.”;

(4) in subsection (h)—

(A) by striking “No motorized vehicles shall” and inserting “Motorized vehicles may not”; and

(B) by striking paragraph (3) and inserting the following:

“(3) wheelchairs that are powered; and”;

(5) by striking subsection (j) and inserting the following:

“(j) DEFINITIONS.—In this section:

“(1) BICYCLE TRANSPORTATION FACILITY.—The term ‘bicycle transportation facility’ means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

“(2) PEDESTRIAN.—The term ‘pedestrian’ means any person traveling by foot or any mobility impaired person using a wheelchair.

“(3) WHEELCHAIR.—The term ‘wheelchair’ means a mobility aid, usable indoors, and de-

signed for and used by individuals with mobility impairments, whether operated manually or powered.”.

**SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.**

(a) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$16,600,000, as adjusted by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and economically disadvantaged individuals” has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

**SEC. 1112. FEDERAL SHARE PAYABLE.**

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: “In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.”; and

(2) by adding at the end the following:

“(1) CREDIT FOR NON-FEDERAL SHARE.—

“(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

“(2) MAINTENANCE OF EFFORT.—

“(A) IN GENERAL.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required

to match Federal funds for any program under this title.

“(B) CONDITIONS ON RECEIPT OF CREDIT.—

“(i) AGREEMENT WITH THE SECRETARY.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

“(ii) EXCEPTION.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

“(3) TREATMENT.—

“(A) IN GENERAL.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

“(B) CHARTERED MULTISTATE AGENCIES.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

“(C) NO ADDITIONAL STANDARDS.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.”

#### SEC. 1113. STUDIES AND REPORTS.

(a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

(1) METHODOLOGY.—

(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the “model”).

(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) STATE INVESTMENT PLANS.—

(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) REQUIRED ELEMENTS.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) INTERNATIONAL ROUGHNESS INDEX.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) REQUIRED ELEMENTS.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) REPORTING OF RATES OF OBLIGATION.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

“(j) REPORTING OF RATES OF OBLIGATION.—

On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

“(1) program;

“(2) funding category or subcategory;

“(3) type of improvement;

“(4) State; and

“(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.”

#### SEC. 1114. DEFINITIONS.

(a) FEDERAL-AID HIGHWAY FUNDS AND PROGRAM.—

(1) IN GENERAL.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining “Federal-aid highways” the following:

“The term ‘Federal-aid highway funds’ means funds made available to carry out the Federal-aid highway program.

“The term ‘Federal-aid highway program’ means all programs authorized under chapters 1, 3, and 5.”

(2) CONFORMING AMENDMENTS.—

(A) Section 101(d) of title 23, United States Code, is amended by striking “the construction of Federal-aid highways or highway planning, research, or development” and inserting “the Federal-aid highway program”.

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking “Federal-aid highways and the highway safety construction programs” and inserting “the Federal-aid highway program”.

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking “Federal-aid highways” and inserting “the Federal-aid highway program”.

(b) ALPHABETIZATION OF DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

#### SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

##### “§207. Cooperative Federal Lands Transportation Program

“(a) IN GENERAL.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the ‘program’). Funds available for the program

may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations (including Army Corps of Engineers reservoirs), as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).

“(b) DISTRIBUTION OF FUNDS FOR PROJECTS.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—The Secretary—

“(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate (including the Army Corps of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

“(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

“(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

“(I) the percentage for the State determined under clause (i); by

“(II) the sum determined under clause (ii).

“(B) ADJUSTMENT.—The Secretary shall—

“(i) reduce any percentage determined under subparagraph (A)(ii) that is greater than 7.5 percent to 7.5 percent; and

“(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

“(A) the percentage for the State, if any, determined under paragraph (1); by

“(B) the funds made available for the program for the fiscal year.

(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary’s discretion,  $\frac{1}{3}$  of the amount by which the estimated cost of the State’s applications is less than 3 times the amount for the State determined under paragraph (2).

(c) TRANSFERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a

State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph. <sup>120</sup>“(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—Nothing in this section affects any claim for a right-of-way across Federal land.

“(e) 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 \$74,000,000 for each of fiscal years 1998 through 2003.

“(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.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

“207. Cooperative Federal Lands Transportation Program.”

**SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.**

(a) DEFINITIONS.—In this section:

(1) BORDER REGION.—The term “border region” means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(2) BORDER STATE.—The term “border State” means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) BORDER STATION.—The term “border station” means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) FEDERAL INSPECTION AGENCY.—The term “Federal inspection agency” means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) GATEWAY.—The term “gateway” means a grouping of border stations defined by proximity and similarity of trade.

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term “non-Federal governmental jurisdiction” means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

(1) IN GENERAL.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through inter-

national gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) LIMITATION ON AMOUNT.—Each State transportation department or metropolitan planning organization may receive not more than \$100,000 under this subsection for any fiscal year.

(5) 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 \$1,400,000 for each of fiscal years 1998 through 2003.

(B) 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, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) COORDINATION OF PLANNING.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) 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 \$3,000,000 for each of fiscal years 1998 through 2003.

(B) 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, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) FEDERAL ASSISTANCE FOR TRADE CORRIDORS AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF.—

(1) APPLICATIONS FOR GRANTS.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

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

(3) USE OF GRANTS.—

(A) IN GENERAL.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) TYPE OF PLANS AND PROGRAMS.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;



(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

- (I) Federal inspection agencies; and
- (II) their counterpart agencies in Mexico and Canada.

(4) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than \$10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$125,000,000 for each of fiscal years 1998 through 2003.

(e) COORDINATION OF PLANNING.—

(1) PLANNING AND DEVELOPMENT OF BORDER STATIONS.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) COOPERATIVE ACTIVITIES.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

- (A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and
- (B) all facility requirements, associated costs, and economic impacts are identified.

(f) COST SHARING.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds \$4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

**SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

(a) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: “, except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years”; and

(2) by inserting after the second sentence the following: “Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the

Commission for reallocation and shall remain available until expended.”.

(b) SUBSTITUTE CORRIDOR.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking “(b) The Commission” and inserting the following:

“(b) DESIGNATIONS.—

“(1) IN GENERAL.—The Commission”; and

(3) by adding at the end the following:

“(2) SUBSTITUTE CORRIDOR.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).”.

(c) FEDERAL SHARE FOR PREFINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking “70 percent” and inserting “80 percent”.

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

“(g) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) IN GENERAL.—

“(A) FISCAL YEARS 1998 THROUGH 2003.—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) \$40,000,000 for each of fiscal years 1998 through 2000, \$50,000,000 for fiscal year 2001, \$60,000,000 for fiscal year 2002, and \$70,000,000 for fiscal year 2003.

“(B) OBLIGATION AUTHORITY.—The Secretary shall provide equivalent amounts of obligation authority for the funds authorized under subparagraph (A).

“(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, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).”.

**SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.**

(a) IN GENERAL.—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

“(k) SET-ASIDE FOR INTERSTATE 4R AND BRIDGE PROJECTS.—

“(1) IN GENERAL.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside \$70,000,000 from amounts to be apportioned under subsection (b)(1)(A), and \$70,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

“(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December 17, 1991) or an agreement under section 129(a));

“(B) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is more than \$10,000,000; and

“(C) for projects for a highway bridge the replacement, rehabilitation, or seismic ret-

rofit cost of which is less than \$10,000,000 if the cost is at least twice the amount reserved under section 144(c) by the State in which the bridge is located for the fiscal year in which application is made for an allocation for the bridge under this subsection.

“(2) REQUIRED ALLOCATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), for each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, for use for highway bridge projects, at least \$20,000,000 of the amounts set aside under paragraph (1) to any State that—

“(i) is apportioned for fiscal year 1998 under paragraphs (1)(B), (1)(C)(i)(III), and (3)(A)(iii) of subsection (b) an amount that is less than the amount apportioned to the State for the highway bridge replacement and rehabilitation program under section 144 for fiscal year 1997; and

“(ii) was apportioned for that program for fiscal year 1997 an amount greater than \$125,000,000.

“(B) EXCEPTION.—A State that transferred funds from the highway bridge replacement and rehabilitation program during any of fiscal years 1995 through 1997 in an amount greater than 10 percent of the apportionments for that program for the fiscal year shall not be eligible for an allocation under subparagraph (A).

“(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

“(3) AVAILABILITY TO STATES OF INTERSTATE 4R FUNDS.—The Secretary may grant the application of a State for funds made available for a fiscal year for a project described in paragraph (1)(A) if the Secretary determines that—

“(A) the State has obligated or demonstrates that it will obligate for the fiscal year all of the apportionments to the State under subparagraphs (A) and (B) of subsection (b)(1) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project described in paragraph (1)(A) that has been submitted by the State to the Secretary for approval; and

“(B) the State is willing and able to—

“(i) obligate the funds within 1 year after the date on which the funds are made available;

“(ii) apply the funds to a project that is ready to be commenced; and

“(iii) in the case of construction work, begin work within 90 days after the date of obligation of the funds.

“(4) ELIGIBILITY OF CERTAIN BRIDGES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, any bridge that is owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this subsection.

“(B) LIMITATION.—The amount of assistance under subparagraph (A) shall not exceed the cumulative amount that the agency has expended for capital and operating costs to subsidize the transit system.

“(C) DETERMINATION BY THE SECRETARY.—Before authorizing an expenditure of funds under this paragraph, the Secretary shall make a determination that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement, seismic retrofitting, or rehabilitation project.

“(D) CREDITING OF NON-FEDERAL FUNDS.—Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for

seismic retrofit of the bridge made available after the date of expenditure.

“(5) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under this subsection shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—Section 118 of title 23, United States Code, is amended by striking subsection (c).

**SEC. 1119. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.**

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

**“§322. Magnetic levitation transportation technology deployment program**

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PROJECT COSTS.—The term ‘eligible project costs’ means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station.

“(2) FULL PROJECT COSTS.—The term ‘full project costs’ means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

“(3) MAGLEV.—The term ‘MAGLEV’ means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

“(4) PARTNERSHIP POTENTIAL.—The term ‘partnership potential’ has the meaning given the term in the commercial feasibility study of high-speed ground transportation conducted under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 1978).

“(b) ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall make available financial assistance to provide the Federal share of full project costs of eligible projects selected under this section.

“(2) FEDERAL SHARE.—The Federal share of full project costs under paragraph (1) shall be not more than ⅓.

“(3) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

“(c) SOLICITATION OF APPLICATIONS FOR ASSISTANCE.—Not later than 180 days after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

“(d) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

“(1) involve a segment or segments of a high-speed ground transportation corridor that exhibit partnership potential;

“(2) require an amount of Federal funds for project financing that will not exceed the sum of—

“(A) the amounts made available under subsection (h)(1)(A); and

“(B) the amounts made available by States under subsection (h)(4);

“(3) result in an operating transportation facility that provides a revenue producing service;

“(4) be undertaken through a public and private partnership, with at least ⅓ of full project costs paid using non-Federal funds;

“(5) satisfy applicable statewide and metropolitan planning requirements;

“(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

“(7) to the extent that non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

“(8) be carried out using materials at least 70 percent of which are manufactured in the United States.

“(e) PROJECT SELECTION CRITERIA.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

“(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

“(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

“(3) States, regions, and localities financially contribute to the project;

“(4) implementation of the project will create new jobs in traditional and emerging industries;

“(5) the project will augment MAGLEV networks identified as having partnership potential;

“(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

“(7) financial assistance would foster the timely implementation of a project; and

“(8) life-cycle costs in design and engineering are considered and enhanced.

“(f) PROJECT SELECTION.—Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 eligible project for financial assistance.

“(g) JOINT VENTURES.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

“(h) FUNDING.—

“(1) IN GENERAL.—

“(A) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$10,000,000 for fiscal year 1999 and \$20,000,000 for fiscal year 2000.

“(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

“(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

“(II) the availability of the funds shall be determined in accordance with paragraph (2).

“(B) 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 \$200,000,000 for each of fiscal years 2000 and 2001, \$250,000,000 for fiscal year 2002, and \$300,000,000 for fiscal year 2003.

“(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.

“(3) OTHER FEDERAL FUNDS.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

“(4) OTHER ASSISTANCE.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title and the Transportation Infrastructure Finance and Innovation Act of 1997, including loans, loan guarantees, and lines of credit.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

“322. Magnetic levitation transportation technology deployment program.”.

**SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE.**

(a) DEFINITIONS.—Section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 628) is amended—

(1) in paragraph (3), by striking “, including approaches thereto”; and

(2) in paragraph (5), by striking “to be determined under section 407. Such” and all that follows and inserting the following: “as described in the record of decision executed by the Secretary in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The term includes ongoing short-term rehabilitation and repairs to the Bridge.”.

(b) OWNERSHIP OF BRIDGE.—

(1) CONVEYANCE BY THE SECRETARY.—Section 407(a)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by inserting “or any Capital Region jurisdiction” after “Authority” each place it appears.

(2) AGREEMENT.—Section 407 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by striking subsection (c) and inserting the following:

“(c) AGREEMENT.—

“(1) IN GENERAL.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed by the Secretary and the Authority or any Capital Region jurisdiction that accepts ownership of the Bridge.

“(2) TERMS OF THE AGREEMENT.—The agreement shall—

“(A) identify whether the Authority or a Capital Region jurisdiction will accept ownership of the Bridge;

“(B) contain a financial plan satisfactory to the Secretary, which shall be prepared before the execution of the agreement, that specifies—

“(i) the total cost of the Project, including any cost-saving measures;

“(ii) a schedule for implementation of the Project, including whether any expedited design and construction techniques will be used; and

“(iii) the sources of funding that will be used to cover any costs of the Project not funded from funds made available under section 412; and

“(C) contain such other terms and conditions as the Secretary determines to be appropriate.”.

(c) FEDERAL CONTRIBUTION.—The Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627) is amended by adding at the end the following:

**SEC. 412. FEDERAL CONTRIBUTION.**

“(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) \$100,000,000 for fiscal year 1998, \$100,000,000 for fiscal year 1999, \$125,000,000 for fiscal year 2000, \$175,000,000 for fiscal year 2001, \$200,000,000 for fiscal year 2002, and \$200,000,000 for fiscal year 2003, to pay the costs of planning, preliminary engineering and design, final engineering, acquisition of rights-of-way, and construction of the Project, except that the costs associated with the Bridge shall be given priority over other eligible costs, other than design costs, of the Project.

“(2) CONTRACT AUTHORITY.—Funds authorized under this section 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—

“(A) the funds shall remain available until expended;

“(B) the Federal share of the cost of the Bridge component of the Project shall not exceed 100 percent; and

“(C) the Federal share of the cost of any other component of the Project shall not exceed 80 percent.

“(b) USE OF APPORTIONED FUNDS.—Nothing in this title limits the authority of any Capital Region jurisdiction to use funds apportioned to the jurisdiction under paragraph (1) or (3) of section 104(b) of title 23, United States Code, in accordance with the requirements for such funds, to pay any costs of the Project.

“(c) AVAILABILITY OF APPORTIONED FUNDS.—None of the funds made available under this section shall be available before the execution of the agreement described in section 407(c), except that the Secretary may fund the maintenance and rehabilitation of the Bridge and the design of the Project.”

(d) CONFORMING AMENDMENT.—Section 405(b)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 629) is amended by striking “the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to”.

**SEC. 1121. NATIONAL HIGHWAY SYSTEM COMPONENTS.**

The National Highway System consists of the routes and transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled “Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals” and dated May 24, 1996.

**SEC. 1122. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.**

(a) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(1) in the section heading, by striking “program”;

(2) by striking subsections (a) through (n), (p), and (q);

(3) by inserting after the section heading the following:

“(a) DEFINITION OF REHABILITATE.—In this section, the term ‘rehabilitate’ (in any of its forms), with respect to a bridge, means to carry out major work necessary—

“(1) to address the structural deficiencies, functional obsolescence, or physical deterioration of the bridge; or

“(2) to correct a major safety defect of the bridge, including seismic retrofitting.

“(b) BRIDGE INVENTORY.—

“(1) IN GENERAL.—In consultation with the States, the Secretary shall—

“(A) annually inventory all highway bridges on public roads that cross waterways, other topographical barriers, other highways, and railroads;

“(B) classify each such bridge according to serviceability, safety, and essentiality for public use;

“(C) assign each such bridge a priority for replacement or rehabilitation based on the classification under subparagraph (B); and

“(D) determine the cost of replacing each such bridge with a comparable facility or the cost of rehabilitating the bridge.

“(2) CONSULTATION.—In preparing an inventory of highway bridges on Indian reservation roads and park roads under paragraph (1), the Secretary shall consult with the Secretary of the Interior and the States.

“(3) INVENTORY OF HISTORICAL BRIDGES.—At the request of a State, the Secretary may inventory”.

**AMENDMENT NO. 1501**

At the appropriate place, insert the following:

**TITLE I—SURFACE TRANSPORTATION****SEC. 1001. SHORT TITLE.**

This title may be cited as the “Surface Transportation Act of 1997”.

**Subtitle A—General Provisions****SEC. 1101. AUTHORIZATIONS.**

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$11,424,610,000 for fiscal year 1998, \$11,253,610,000 for fiscal year 1999, \$11,264,910,000 for fiscal year 2000, \$11,364,910,000 for fiscal year 2001, \$11,692,910,000 for fiscal year 2002, and \$12,228,910,000 for fiscal year 2003, of which—

(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, \$4,773,000,000 for fiscal year 2002, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,000,000,000 for fiscal year 1998, \$7,014,000,000 for fiscal year 1999, \$7,056,000,000 for fiscal year 2000, \$7,113,000,000 for fiscal year 2001, \$7,263,000,000 for fiscal year 2002, and \$7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,150,000,000 for fiscal year 1998, \$1,152,000,000 for fiscal year 1999, \$1,159,000,000 for fiscal year 2000, \$1,169,000,000 for fiscal year 2001, \$1,193,000,000 for fiscal year 2002, and \$1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Fed-

eral Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

**SEC. 1102. APPORTIONMENTS.**

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(I) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 50 percent in the ratio that—

“(I) the total lane miles on Interstate System routes that are open to traffic on the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997 in each State; bears to

“(II) the total of all such lane miles in all States; and

“(ii) 50 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes that are open to traffic on the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997 in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete

bridges on principal arterial routes (excluding bridges on Interstate System routes) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.”

#### AMENDMENT NO. 1502

Beginning on page 5, strike line 1 and all that follows through page 20, line 25, and insert the following:

### TITLE I—SURFACE TRANSPORTATION SEC. 1001. SHORT TITLE.

This title may be cited as the “Surface Transportation Act of 1997”.

#### Subtitle A—General Provisions

### SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$9,962,005,000 for fiscal year 1998, \$9,791,005,000 for fiscal year 1999, \$9,802,305,000 for fiscal year 2000, \$9,902,305,000 for fiscal year 2001, \$10,230,305,000 for fiscal year 2002, and \$10,766,305,000 for fiscal year 2003, of which—

(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, \$4,773,000,000 for fiscal year 2002, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,000,000,000 for fiscal year 1998, \$7,014,000,000 for fiscal year 1999, \$7,056,000,000 for fiscal year 2000, \$7,113,000,000 for fiscal year 2001, \$7,263,000,000 for fiscal year 2002, and \$7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,150,000,000 for fiscal year 1998, \$1,152,000,000 for fiscal year 1999, \$1,159,000,000 for fiscal year 2000, \$1,169,000,000 for fiscal year 2001, \$1,193,000,000 for fiscal year 2002, and \$1,230,000,000 for fiscal year 2003.

#### (4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

### SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(I) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 34 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States;

“(ii) 34 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States; and

“(iii) 32 percent in the ratio that—

“(I) the total miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than on routes on toll roads not subject to an agreement with the Secretary under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); or

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

that are in less than good condition (as determined by the Secretary) in each State; bears to

“(II) the total of all such miles in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and re-

constructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 20 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 18 percent of the apportionments in the ratio that—

“(aa) the total miles of principal arterial routes (excluding Interstate System routes) that are in less than good condition (as determined by the Secretary) in each State; bears to

“(bb) the total miles of principal arterial routes (excluding Interstate System routes) that are in less than good condition (as determined by the Secretary) in all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the total miles of Federal-aid highways that are in less than good condition (as determined by the Secretary) in each State; bears to

“(II) the total miles of Federal-aid highways that are in less than good condition (as determined by the Secretary) in all States.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

AMENDMENT No. 1503

Beginning on page 5, strike line 1 and all that follows through page 20, line 25, and insert the following:

**TITLE I—SURFACE TRANSPORTATION**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “Surface Transportation Act of 1997”.

**Subtitle A—General Provisions**

**SEC. 1101. AUTHORIZATIONS.**

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title \$10,406,192,000 for fiscal year 1998, \$10,235,192,000 for fiscal year 1999,

\$10,246,492,000 for fiscal year 2000, \$10,346,492,000 for fiscal year 2001, \$10,674,492,000 for fiscal year 2002, and \$11,210,492,000 for fiscal year 2003, of which—

(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, \$4,773,000,000 for fiscal year 2002, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title \$7,000,000,000 for fiscal year 1998, \$7,014,000,000 for fiscal year 1999, \$7,056,000,000 for fiscal year 2000, \$7,113,000,000 for fiscal year 2001, \$7,263,000,000 for fiscal year 2002, and \$7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,150,000,000 for fiscal year 1998, \$1,152,000,000 for fiscal year 1999, \$1,159,000,000 for fiscal year 2000, \$1,169,000,000 for fiscal year 2001, \$1,193,000,000 for fiscal year 2002, and \$1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

**SEC. 1102. APPORTIONMENTS.**

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

“(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

“(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

“(i) 34 percent in the ratio that—

“(I) the total lane miles on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such lane miles in all States;

“(ii) 34 percent in the ratio that—

“(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

“(aa) section 103;

“(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States; and

“(iii) 32 percent in the ratio that—

“(I) The total ton-miles of through shipment by truck in each State; bears to

“(II) the total ton-miles of through shipments by truck in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.

“(E) DEFINITION OF THROUGH SHIPMENT.—In this paragraph the term ‘through shipment’ means a shipment of property that originates outside a State, travels through the State, and terminates outside the State.

“(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 nonattainment and maintenance area populations in each State; bears to

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

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—

Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as

a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) 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.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the total ton-miles of through shipments by truck in each State; bears to

“(II) the total ton-miles of shipments by truck in all States.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

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

“(D) DEFINITION OF THROUGH SHIPMENT.—In this paragraph the term ‘through shipment’ means a shipment of property or special purpose equipment that originates outside a State, travels through the State, and terminates outside the State.”

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law,

deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title."

(c) **ISTEA TRANSITION.**—

(1) **IN GENERAL.**—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

AMENDMENT NO. 1504

Beginning on page 5, strike line 1 and all that follows through page 106, line 25, and insert the following:

**TITLE I—SURFACE TRANSPORTATION**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the "Surface Transportation Act of 1997".

**Subtitle A—General Provisions**

**SEC. 1101. AUTHORIZATIONS.**

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) **INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.**—For the Interstate and National Highway System program under section 103 of that title \$11,844,359,000 for fiscal year 1998, \$11,658,000,000 for fiscal year 1999, \$11,668,000,000 for fiscal year 2000, \$11,768,000,000 for fiscal year 2001, \$12,170,000,000 for fiscal year 2002, and \$12,700,000,000 for fiscal year 2003, of which—

(A) \$4,600,000,000 for fiscal year 1998, \$4,609,000,000 for fiscal year 1999, \$4,637,000,000 for fiscal year 2000, \$4,674,000,000 for fiscal year 2001, and \$4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) \$1,400,000,000 for fiscal year 1998, \$1,403,000,000 for fiscal year 1999, \$1,411,000,000 for fiscal year 2000, \$1,423,000,000 for fiscal year 2001, \$1,453,000,000 for fiscal year 2002, and \$1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) **SURFACE TRANSPORTATION PROGRAM.**—For the surface transportation program under section 133 of that title \$7,000,000,000 for fiscal year 1998, \$7,014,000,000 for fiscal year 1999, \$7,056,000,000 for fiscal year 2000, \$7,113,000,000 for fiscal year 2001, \$7,263,000,000 for fiscal year 2002, and \$7,484,000,000 for fiscal year 2003.

(3) **CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.**—For the congestion mitigation and air quality improvement program under section 149 of that title \$1,150,000,000 for fiscal year 1998, \$1,152,000,000 for fiscal year 1999, \$1,159,000,000 for fiscal year 2000, \$1,169,000,000 for fiscal year 2001, \$1,193,000,000 for fiscal year 2002, and \$1,230,000,000 for fiscal year 2003.

(4) **FEDERAL LANDS HIGHWAYS PROGRAM.**—

(A) **INDIAN RESERVATION ROADS.**—For Indian reservation roads under section 204 of that title \$200,000,000 for each of fiscal years 1998 through 2003.

(B) **PARKWAYS AND PARK ROADS.**—For parkways and park roads under section 204 of that title \$90,000,000 for each of fiscal years 1998 through 2003.

(C) **PUBLIC LANDS HIGHWAYS.**—For public lands highways under section 204 of that title \$172,000,000 for each of fiscal years 1998 through 2003.

(D) **COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.**—For the Cooperative Federal Lands Transportation Program under section 207 of that title \$74,000,000 for each of fiscal years 1998 through 2003.

**SEC. 1102. APPORTIONMENTS.**

(a) **IN GENERAL.**—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) **APPORTIONMENTS.**—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(I) **INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.**—

"(A) **INTERSTATE MAINTENANCE COMPONENT.**—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) **INTERSTATE BRIDGE COMPONENT.**—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) **OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.**—

"(i) **IN GENERAL.**—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), \$36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) **DATA.**—Each calculation under clause (i) shall be based on the latest available data.

"(D) **MINIMUM APPORTIONMENT.**—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of 1/2 of 1 percent of the funds apportioned under this paragraph.

"(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 nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) **CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.**—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);



“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) 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.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding

bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.”

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State; may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

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

(d) MINIMUM GUARANTEE.—

(i) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

**“§ 105. Minimum guarantee**

“(a) ADJUSTMENT.—

“(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

“(A) the ratio that—

“(i) each State’s percentage of the total apportionments for the fiscal year—

“(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

“(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

“(ii) each State’s percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; is not less than 0.90; and

“(B) in the case of a State specified in paragraph (2), the State’s percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

“(i) not less than the percentage specified for the State in paragraph (2); but

“(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

State	Percentage
Alaska .....	1.24
Arkansas .....	1.33
Delaware .....	0.47

State	Percentage
Hawaii .....	0.55
Idaho .....	0.82
Montana .....	1.06
Nevada .....	0.73
New Hampshire .....	0.52
New Jersey .....	2.41
New Mexico .....	1.05
North Dakota .....	0.73
Rhode Island .....	0.58
South Dakota .....	0.78
Vermont .....	0.47
Wyoming .....	0.76.

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following: “105. Minimum guarantee.”.

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.”.

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting “NOTIFICATION TO STATES.—” after “(e)”; and

(B) in the first sentence—

(i) by striking “(other than under subsection (b)(5) of this section)”; and

(ii) by striking “and research”;

(C) by striking the second sentence; and

(D) in the last sentence, by striking “, except that” and all that follows through “such funds”; and

(2) in subsection (f)—

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

“(f) METROPOLITAN PLANNING.—

“(1) SET-ASIDE.—On”;

(B) by striking “(2) These” and inserting the following:

“(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These”;

(C) by striking “(3) The” and inserting the following:

“(3) USE OF FUNDS.—The”; and

(D) by striking “(4) The” and inserting the following:

“(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The”.

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking “, 104(b)(2), and 104(b)(6)” and inserting “and 104(b)(2)”.

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking “AFTER THE FIRST YEAR” and inserting “IN GENERAL”; and

(II) by striking “, 104(b)(2), 104(b)(5), and 104(b)(6)” and inserting “and 104(b)(2)”; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraph (1)”; and

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

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

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

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

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

(C) Section 141(c) of title 23, United States Code, is amended by striking “section 104(b)(5) of this title” each place it appears and inserting “section 104(b)(1)(A)”.

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

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking “(5) of” each place it appears and inserting “(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of”; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking “section 104(b)(5)(A)” each place it appears and inserting “section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”; and

(II) in paragraph (1)(A)(ii), by striking “section 104(b)(5)(B)” and inserting “section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”; and

(III) in paragraph (3)(B), by striking “(5)(B)” and inserting “(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”; and

(IV) in paragraphs (3) and (4), by striking “section 104(b)(5)” each place it appears and inserting “section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”; and

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

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking “sections 130, 144, and 152 of this title” and inserting “subsection (b)(1)(B) and sections 130 and 152”;

(ii) in the first and second sentences—

(I) by striking “section” and inserting “provision”; and

(II) by striking “such sections” and inserting “those provisions”; and

(iii) in the third sentence—

(I) by striking “section 144” and inserting “subsection (b)(1)(B)”; and

(II) by striking “subsection (b)(1)” and inserting “subsection (b)(1)(C)”.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking “104(b)(2), 104(b)(3), 104(f), 144,” and inserting “104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),”; and

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

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

(D) Section 151(d) of title 23, United States Code, is amended by striking “section 104(a), section 307(a), and section 144 of this title” and inserting “subsections (a) and (b)(1)(B) of section 104 and section 307(a)”.

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

(F) Section 303(g) of title 23, United States Code, is amended by striking “section 144 of this title” and inserting “section 104(b)(1)(B)”.

#### SEC. 1103. OBLIGATION CEILING.

(a) GENERAL LIMITATIONS.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) \$21,800,000,000 for fiscal year 1998;

(2) \$22,802,000,000 for fiscal year 1999;

(3) \$22,939,000,000 for fiscal year 2000;

(4) \$23,183,000,000 for fiscal year 2001;

(5) \$23,699,000,000 for fiscal year 2002; and

(6) \$24,548,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) EFFECT OF OTHER LAW.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) APPLICABILITY TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) OBLIGATION AUTHORITY.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

“(g) OBLIGATION AUTHORITY.—

“(1) DISTRIBUTION.—For each fiscal year, the Secretary shall—

“(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

“(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

“(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

“(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

“(C) notwithstanding subparagraphs (A) and (B), not distribute—

“(i) amounts deducted under section 104(a) for administrative expenses;

“(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

“(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

“(iv) amounts made available under section 111 of title 49;

“(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

“(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

“(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

“(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

“(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

“(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

“(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

“(2) REDISTRIBUTION.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

“(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

“(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).”.

(e) APPLICABILITY OF OBLIGATION LIMITATIONS.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

#### SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

“(f) OBLIGATION AUTHORITY.—

“(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

“(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

“(B) the ratio that—

“(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

“(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

“(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).”.

#### SEC. 1105. EMERGENCY RELIEF.

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking “highway system” and inserting “highway”.

(b) ELIGIBILITY AND FUNDING.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

“(a) GENERAL ELIGIBILITY.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

“(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

“(2) catastrophic failure from any external cause.

“(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

“(c) FUNDING.—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

“(1) Not more than \$100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

“(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.”;

(4) in subsection (d) (as so redesignated), by striking “subsection (c)” both places it appears and inserting “subsection (e)”; and

(5) in subsection (e) (as so redesignated), by striking “on any of the Federal-aid highway systems” and inserting “Federal-aid highways”.

(c) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

#### SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

“(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.”.

(b) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended by adding at the end the following: “Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to the pay the Federal share of the cost of the project.”.

(c) PLANNING AND AGENCY COORDINATION.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be

treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

“(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

“(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

“(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

“(A) shall be developed in cooperation with States and metropolitan planning organizations; and

“(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

“(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

“(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.”;

(2) in subsection (b), by striking the first 3 sentences and inserting the following: “Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.”;

(3) in the first sentence of subsection (e), by striking “Secretary of the Interior” and inserting “Secretary of the appropriate Federal land management agency”;

(4) in subsection (h), by adding at the end the following:

“(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.”;

(5) by striking subsection (i) and inserting the following:

“(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

“(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

“(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public

lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section.”; and

(6) in subsection (j), by striking the second sentence and inserting the following: “The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).”.

#### SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

##### “§ 206. Recreational trails program

“(a) DEFINITIONS.—

“(1) MOTORIZED RECREATION.—The term ‘motorized recreation’ means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

“(2) RECREATIONAL TRAIL; TRAIL.—The term ‘recreational trail’ or ‘trail’ means a thoroughfare or track across land or snow, used for recreational purposes such as—

“(A) pedestrian activities, including wheelchair use;

“(B) skating or skateboarding;

“(C) equestrian activities, including carriage driving;

“(D) nonmotorized snow trail activities, including skiing;

“(E) bicycling or use of other human-powered vehicles;

“(F) aquatic or water activities; and

“(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

“(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the ‘program’).

“(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

“(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

“(A) permissible under other law;

“(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.);

“(C) approved by the administering agency of the State designated under paragraph (2); and

“(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

“(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

“(d) USE OF APPORTIONED FUNDS.—

“(1) IN GENERAL.—Funds made available under this section shall be obligated for trails and trail-related projects that—

“(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

“(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460L-4 et seq.).

“(2) PERMISSIBLE USES.—Permissible uses of funds made available under this section include—

“(A) maintenance and restoration of existing trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

“(C) purchase and lease of trail construction and maintenance equipment;

“(D) construction of new trails;

“(E) acquisition of easements and fee simple title to property for trails or trail corridors;

“(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

“(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

“(3) USE OF APPORTIONMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

“(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

“(ii) 30 percent shall be used for uses relating to motorized recreation; and

“(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

“(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

“(C) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

“(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

“(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

“(f) FEDERAL SHARE.—

“(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

“(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

“(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

“(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

“(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section; may be credited toward the non-Federal share of the cost of the project.

“(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

“(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) USES NOT PERMITTED.—A State may not obligate funds apportioned under this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan; or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

“(h) PROJECT ADMINISTRATION.—

“(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

“(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the

non-Federal share in accordance with subsection (f).

“(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

“(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

“(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460L-8(f)(3)).

“(4) COOPERATION BY PRIVATE PERSONS.—

“(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

“(B) PUBLIC ACCESS.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

“(i) APPORTIONMENT.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State that meets the requirements of subsection (c).

“(2) APPORTIONMENT.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

“(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

“(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of nonhighway recreational fuel used in each eligible State during the preceding year.

“(j) ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

“(2) USE OF CONTRACTS.—To carry out research funded under paragraph (1), the Secretary may—

“(A) enter into contracts with for-profit organizations; and

“(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

“(k) 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 \$17,000,000 for fiscal year 1998, \$20,000,000 for fiscal year 1999, \$22,000,000 for fiscal year 2000, \$23,000,000 for fiscal year 2001, \$24,000,000 for fiscal year 2002, and \$25,000,000 for fiscal year 2003.

“(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, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.”.

(b) CONFORMING AMENDMENTS.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

“206. Recreational trails program.”.

**SEC. 1108. VALUE PRICING PILOT PROGRAM.**

(a) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking “CONGESTION” and inserting “VALUE”; and

(2) in paragraph (1), by striking “congestion” each place it appears and inserting “value”.

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking “5” and inserting “15”.

(c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.—Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after “Secretary shall fund” the following: “all preimplementation costs and project design, and”; and

(2) by inserting after “Secretary may not fund” the following: “the implementation costs of”.

(d) TOLLING.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking “a pilot program under this section, but not on more than 3 of such programs” and inserting “any value pricing pilot program under this subsection”.

(e) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

“(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.”.

(f) FUNDING.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

“(7) 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 \$8,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY.—

“(i) IN GENERAL.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

“(ii) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds \$8,000,000 as of September 30 of any year, the excess amount—

“(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

“(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

“(III) shall be available for any purpose eligible for funding under section 133 of that title.

“(C) 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, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.”.

(g) CONFORMING AMENDMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking “projects” each place it appears and inserting “programs”; and

(2) in paragraph (5)—

(A) by striking “projects” and inserting “programs”; and

(B) by striking “traffic, volume” and inserting “traffic volume”.

**SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.**

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

**“§ 143. Highway use tax evasion projects**

“(a) DEFINITION OF STATE.—In this section, the term ‘State’ means the 50 States and the District of Columbia.

“(b) PROJECTS.—

“(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

“(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

“(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

“(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

“(A) to expand efforts to enhance motor fuel tax enforcement;

“(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

“(C) to supplement motor fuel tax examinations and criminal investigations;

“(D) to develop automated data processing tools to monitor motor fuel production and sales;

“(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

“(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

“(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

“(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

“(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

“(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

“(A) IN GENERAL.—There shall be available to the Secretary from the Highway Trust

Fund (other than the Mass Transit Account) to carry out this subsection \$5,000,000 for each of fiscal years 1998 through 2003.

“(B) AVAILABILITY OF FUNDS.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

“(c) EXCISE FUEL REPORTING SYSTEM.—

“(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the ‘system’).

“(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

“(A) the Internal Revenue Service shall develop and maintain the system through contracts;

“(B) the system shall be under the control of the Internal Revenue Service; and

“(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

“(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

“(A) \$8,000,000 for development of the system; and

“(B) \$2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.”.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

“143. Highway use tax evasion projects.”.

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking “section 1040 of this Act” and inserting “section 143 of title 23, United States Code,”; and

(B) by striking subsection (h).

**SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.**

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting “pedestrian walkways and” after “construction of”; and

(B) by striking “(other than the Interstate System)”;

(2) in subsection (e), by striking “, other than a highway access to which is fully controlled,”;

(3) by striking subsection (g) and inserting the following:

“(g) PLANNING AND DESIGN.—

“(1) IN GENERAL.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

“(2) CONSTRUCTION.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

“(3) SAFETY AND CONTIGUOUS ROUTES.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.”;

(4) in subsection (h)—

(A) by striking “No motorized vehicles shall” and inserting “Motorized vehicles may not”; and

(B) by striking paragraph (3) and inserting the following:

“(3) wheelchairs that are powered; and”; and

(5) by striking subsection (j) and inserting the following:

“(j) DEFINITIONS.—In this section:

“(1) BICYCLE TRANSPORTATION FACILITY.—The term ‘bicycle transportation facility’ means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

“(2) PEDESTRIAN.—The term ‘pedestrian’ means any person traveling by foot or any mobility impaired person using a wheelchair.

“(3) WHEELCHAIR.—The term ‘wheelchair’ means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.”.

#### SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.

(a) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of \$16,600,000, as adjusted by the Secretary for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and economically disadvantaged individuals” has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

#### SEC. 1112. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: “In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.”; and

(2) by adding at the end the following:

“(1) CREDIT FOR NON-FEDERAL SHARE.—

“(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

“(2) MAINTENANCE OF EFFORT.—

“(A) IN GENERAL.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

“(B) CONDITIONS ON RECEIPT OF CREDIT.—

“(i) AGREEMENT WITH THE SECRETARY.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

“(ii) EXCEPTION.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

“(3) TREATMENT.—

“(A) IN GENERAL.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

“(B) CHARTERED MULTISTATE AGENCIES.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

“(C) NO ADDITIONAL STANDARDS.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.”.

#### SEC. 1113. STUDIES AND REPORTS.

(a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

(1) METHODOLOGY.—

(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the “model”).

(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) STATE INVESTMENT PLANS.—

(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) REQUIRED ELEMENTS.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) INTERNATIONAL ROUGHNESS INDEX.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) REQUIRED ELEMENTS.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) REPORTING OF RATES OF OBLIGATION.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

“(j) REPORTING OF RATES OF OBLIGATION.—

On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

“(1) program;

“(2) funding category or subcategory;

“(3) type of improvement;

“(4) State; and

“(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.”.

#### SEC. 1114. DEFINITIONS.

(a) FEDERAL-AID HIGHWAY FUNDS AND PROGRAM.—

(1) IN GENERAL.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining “Federal-aid highways” the following:

“The term ‘Federal-aid highway funds’ means funds made available to carry out the Federal-aid highway program.

“The term ‘Federal-aid highway program’ means all programs authorized under chapters 1, 3, and 5.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 101(d) of title 23, United States Code, is amended by striking “the construction of Federal-aid highways or highway planning, research, or development” and inserting “the Federal-aid highway program”.

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking “Federal-



aid highways and the highway safety construction programs" and inserting "the Federal-aid highway program".

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking "Federal-aid highways" and inserting "the Federal-aid highway program".

(b) ALPHABETIZATION OF DEFINITIONS.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

**SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.**

(a) IN GENERAL.—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

**"§207. Cooperative Federal Lands Transportation Program**

"(a) IN GENERAL.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the 'program'). Funds available for the program may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations (including Army Corps of Engineers reservoirs), as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).

"(b) DISTRIBUTION OF FUNDS FOR PROJECTS.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—The Secretary—

"(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate (including the Army Corps of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

"(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

"(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

"(I) the percentage for the State determined under clause (i); by

"(II) the sum determined under clause (ii).

"(B) ADJUSTMENT.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

"(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

"(A) the percentage for the State, if any, determined under paragraph (1); by

"(B) the funds made available for the program for the fiscal year.

"(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier

than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, 1/3 of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(c) TRANSFERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

"(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.

"(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—Nothing in this section affects any claim for a right-of-way across Federal land.

"(e) 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 \$74,000,000 for each of fiscal years 1998 through 2003.

"(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."

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal Lands Transportation Program."

**SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.**

(a) DEFINITIONS.—In this section:

(1) BORDER REGION.—The term "border region" means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(2) BORDER STATE.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) BORDER STATION.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) FEDERAL INSPECTION AGENCY.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the

United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) GATEWAY.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(6) NON-FEDERAL GOVERNMENTAL JURISDICTION.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) BORDER CROSSING PLANNING INCENTIVE GRANTS.—

(1) IN GENERAL.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) USE OF GRANTS.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) CONDITION OF GRANTS.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) LIMITATION ON AMOUNT.—Each State transportation department or metropolitan planning organization may receive not more than \$100,000 under this subsection for any fiscal year.

(5) 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 \$1,400,000 for each of fiscal years 1998 through 2003.

(B) 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, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) TRADE CORRIDOR PLANNING INCENTIVE GRANTS.—

(1) GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance.

(B) IDENTIFICATION OF CORRIDORS.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) CORRIDOR PLANS.—

(A) IN GENERAL.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) COORDINATION OF PLANNING.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the

States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) **MULTISTATE AGREEMENTS FOR TRADE CORRIDOR PLANNING.**—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) **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 \$3,000,000 for each of fiscal years 1998 through 2003.

(B) **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, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) **FEDERAL ASSISTANCE FOR TRADE CORRIDORS AND BORDER INFRASTRUCTURE SAFETY AND CONGESTION RELIEF.**—

(1) **APPLICATIONS FOR GRANTS.**—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) **SELECTION OF STATES, METROPOLITAN PLANNING ORGANIZATIONS, AND PROJECTS TO RECEIVE GRANTS.**—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103-182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed

project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

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

(3) **USE OF GRANTS.**—

(A) **IN GENERAL.**—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) **TYPE OF PLANS AND PROGRAMS.**—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) **CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.**—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than \$10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$125,000,000 for each of fiscal years 1998 through 2003.

(e) **COORDINATION OF PLANNING.**—

(1) **PLANNING AND DEVELOPMENT OF BORDER STATIONS.**—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) **COOPERATIVE ACTIVITIES.**—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) **COST SHARING.**—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) **USE OF UNALLOCATED FUNDS.**—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds \$4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface

transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

**SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

(a) **AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.**—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: “, except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years”; and

(2) by inserting after the second sentence the following: “Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the Commission for reallocation and shall remain available until expended.”.

(b) **SUBSTITUTE CORRIDOR.**—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking “(b) The Commission” and inserting the following:

“(b) **DESIGNATIONS.**—

“(1) **IN GENERAL.**—The Commission”; and

(3) by adding at the end the following:

“(2) **SUBSTITUTE CORRIDOR.**—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).”.

(c) **FEDERAL SHARE FOR PREFINANCED PROJECTS.**—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking “70 percent” and inserting “80 percent”.

(d) **AUTHORIZATION OF CONTRACT AUTHORITY.**—Section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

“(g) **AUTHORIZATION OF CONTRACT AUTHORITY.**—

“(1) **IN GENERAL.**—

“(A) **FISCAL YEARS 1998 THROUGH 2003.**—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) \$40,000,000 for each of fiscal years 1998 through 2000, \$50,000,000 for fiscal year 2001, \$60,000,000 for fiscal year 2002, and \$70,000,000 for fiscal year 2003.

“(B) **OBLIGATION AUTHORITY.**—The Secretary shall provide equivalent amounts of obligation authority for the funds authorized under subparagraph (A).

“(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, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).”.

**SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.**

(a) **IN GENERAL.**—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

“(k) SET-ASIDE FOR INTERSTATE 4R AND BRIDGE PROJECTS.—

“(1) IN GENERAL.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside \$200,000,000 from amounts to be apportioned under subsection (b)(1)(A), and \$200,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

“(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December”.

AMENDMENT NO. 1505

On page 249, strike lines 5 through 11 and insert the following:

“(2) REDESIGNATION.—

“(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor 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) as appropriate to carry out this section.

“(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area—

“(I) whose population is more than 5,000,000 but less than 10,000,000, or

“(II) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act.

Such redesignation shall be accomplished using procedures established by subparagraph (A).

SESSIONS AMENDMENTS NOS. 1506-1512

(Ordered to lie on the table.)

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

AMENDMENT NO. 1506

Beginning on page 77, strike line 16 and all that follows through page 79, line 13.

AMENDMENT NO. 1507

On page 124, strike lines 12 through 19 and insert the following: “this section for fiscal year 1997, as adjusted to reflect increases in the overall funding for the apportioned Federal-aid highway programs since that fiscal year; or

“(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2001, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), will be not less than 4 times the amount apportioned to the State under this section for fiscal year 1997, as adjusted to reflect increases in the overall funding for the apportioned Federal-aid highway programs since that fiscal year.

AMENDMENT NO. 1508

On page 136, strike line 22 and insert the following: specified in subparagraph (G).”.

SEC. 11 . PREVAILING RATE OF WAGE.

(a) IN GENERAL.—Section 113 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 113.

AMENDMENT NO. 1509

Beginning on page 28, strike line 25 and all that follows through page 30, line 18, and insert the following:

“(a) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that a State’s total apportionments for that fiscal year under sections 104(b) and 206(i), and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997, is not less than 90 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(b) TREATMENT OF ALLOCATIONS.—

On page 39, lines 15 and 16, strike “, excluding amounts allocated under section 105(a)(1)(B) of that title”.

AMENDMENT NO. 1510

On page 104, strike lines 14 through 19 and insert the following:

“(2) SUBSTITUTE CORRIDOR.—

“(A) IN GENERAL.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).

“(B) EFFECT OF SUBSTITUTION.—The substitution of the segment under subparagraph (A) shall not result in an increase in a State’s estimated cost to complete the Appalachian development highway system or in the amount of assistance that the State shall be entitled to receive under this Act.”.

AMENDMENT NO. 1511

Beginning on page 58, strike line 6 and all that follows through page 59, line 14, and insert the following: “subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

“(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and non-motorized recreational trail use;

“(ii) 30 percent shall be used for uses relating to motorized recreation; and

“(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

“(B) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

“(C) STATE ADMINISTRATIVE COSTS.—”

AMENDMENT NO. 1512

On page 116, strike lines 3 through 24 and insert the following:

“(i) IN GENERAL.—There shall be available from the Mass Transit Account to carry out this section \$10,000,000 for fiscal year 1999 and \$20,000,000 for fiscal year 2000.

“(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

“(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

“(II) the availability of the funds shall be determined in accordance with paragraph (2).

“(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Mass Transit Account to carry out”.

BREAUX AMENDMENT NO. 1513

(Ordered to lie on the table.)

Mr. BREAUX submitted an amendment intended to be proposed by him to the bill, S. 1773, supra; as follows:

On page 134, strike line 13 and insert the following administrative recommendations of the Secretary.

SEC. 1126A. USE OF CERTAIN TRUCKS FOR HAULING SUGARCANE.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following: “The State of Louisiana may allow, by special permit, the operation of vehicles with a gross weight of not more than 100,000 pounds for the hauling of sugarcane during the harvest season of sugarcane. A special permit issued under the preceding sentence shall be issued for a period not to exceed 100 days per year.”.

BREAUX (AND LANDRIEU) AMENDMENTS NOS. 1514-1515

(Ordered to lie on the table.)

Mr. BREAUX (for himself and Ms. LANDRIEU) submitted two amendments intended to be proposed by them to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1514

On page 309, strike line 3 and insert the following: designated Route.

SEC. 18 . IDENTIFICATION OF HIGH PRIORITY CORRIDOR ROUTES IN LOUISIANA.

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c)(1)—

(A) by striking “Corridor from Kansas” and inserting the following: “Corridor—

“(A) from Kansas”;

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(B) from Shreveport, Louisiana, along Interstate Route 49 to Lafayette, Louisiana, and along United States Route 90 to the junction with Interstate Route 10 in New Orleans, Louisiana.”; and

(2) in subsection (e)(5)(A), by inserting “in subsection (c)(1)(B),” after “routes referred to”.

AMENDMENT NO. 1515

On page 318, strike line 15 and insert the following: fiscal year for which the funds are authorized.”.

SEC. 2002A. UNIVERSITY OF NEW ORLEANS INTERMODAL TRANSPORTATION PLANNING AND POLICY CENTER.

(a) IN GENERAL.—In addition to establishing the university transportation centers under subsections (a) and (b) of section 5241 of title 49, United States Code (as added by section 2003 of this Act) the Secretary shall enter into such arrangements as are necessary to assist the University of New Orleans in establishing an Intermodal Transportation Planning and Policy Center (referred to in this subsection as the “Center”).

(b) NATIONAL UNIVERSITY TRANSPORTATION CENTER.—The Secretary shall designate the Center as a university transit center for purposes of section 5241 of title 49, United States Code.

(c) REQUIREMENTS FOR CENTER.—

(1) IN GENERAL.—The Center shall serve as the lead institution in a consortium of the entities described in paragraph (2).

(2) CONSORTIUM.—At a minimum, the consortium with respect to which the Center serves as lead agency shall consist of—

- (A) the Center;
- (B) the National Ports and Waterways Institute of Louisiana State University;
- (C) a recognized freight intermodal transportation research organization; and
- (D) the Louisiana Transportation Research Center.

#### BREAUX AMENDMENT NO. 1516

(Ordered to lie on the table.)

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

On page 414, strike line 18 and insert the following: App.).”

#### SEC. 2103A. COOPERATIVE RESEARCH ON INTELLIGENT TRANSPORTATION SYSTEMS BY THE LOUISIANA STATE UNIVERSITY MEDICAL CENTER NEUROSCIENCE CENTER OF EXCELLENCE, THE GEORGE WASHINGTON UNIVERSITY/VIRGINIA RESEARCH INSTITUTE, AND THE NATIONAL CENTER FOR ADVANCED TRANSPORTATION TECHNOLOGIES AT THE UNIVERSITY OF IDAHO.

(a) DEFINITIONS.—In this section:

(1) CRASH ANALYSIS.—The term “crash analysis” means advanced testing and crash simulations that address deficiencies in the use of available airbag technology, including—

(A) crash pulse measurement by airbag triggering sensors;

(B) the development of a smart algorithm to dictate appropriate deployment conditions to minimize potential injuries;

(C) a characterization of injuries of the full range of occupants, vehicle classes, and impact scenarios;

(D) the development of a model to identify preventive measures of neural damage;

(E) the development of a combination of car-to-car, car-to-barrier, and sled tests using advanced computer simulation to thoroughly analyze current problems; and

(F) the conducting of full-scale car-to-car tests of speeds up to 70 miles per hour with—

- (i) offsets in the 20 to 100 percent range; and
- (ii) impact angles with a range between 0 and 90 degrees; and

(G) the use of a programmable sled test that is capable of reproducing a variety of crash pulses from repeatable crash tests with active restraint systems that use different anthropomorphic test dummy sizes, typed to gender and percentile.

(2) POST-CRASH RESEARCH.—The term “post-crash research” means research that addresses post-crash injury control, including—

(A) an automatic crash notification system that sends a message to emergency medical service personnel to alert the personnel to severe crashes, including severe crashes that require immediate medical attention;

(B) the development of advanced sensors that are capable of identifying and locating crash victims in need of time-critical emergency care; and

(C) the development of post-crash pharmaceutical strategies for acute neuroprotection and the promotion of repair and regeneration of neural cells to allow victims of crashes to lead productive lives.

(3) PRE-CRASH ANALYSIS.—The term “pre-crash analysis” means the use of driver and vehicle technologies that are designed to en-

sure that any intelligent systems that are subsequently developed and implemented will be effective when used by all drivers of automobiles (including identifying preventive measures of neurological damages, including redesigning seat-passenger and driver compartments to prevent or limit damage to the eye, inner ear, head, peripheral nerves, and the spinal cord).

(b) GRANT AGREEMENT.—As part of the comprehensive program described in section 524 of title 23, United States Code, as added by section 2103 of this Act, the Secretary shall offer to enter into a grant agreement with the appropriate officials of the George Washington University/Virginia Research Institute, the Louisiana State University Medical Center Neuroscience Center of Excellence, and the National Center for Advanced Transportation Technologies at the University of Idaho to carry out an innovative research project (as that term is used in section 524(b)(4) of title 23, United States Code) to—

(1) accelerate the deployment of technology to improve motor vehicle safety systems;

(2) accelerate the deployment of smart air bags (as that term is defined by the Secretary); and

(3) develop medical technologies to prevent and minimize head and spinal cord injuries.

(c) RESEARCH EMPHASIS.—The research conducted pursuant to the grant agreement referred to in subsection (b) shall emphasize pre-crash analysis, crash analysis, and post-crash research that takes into consideration the effects of humans, motor vehicles, and the environment.

(d) FUNDING.—

(1) IN GENERAL.—Of the funds made available under section 524(f) of title 23, United States Code, to carry out this section, the Secretary shall use—

(A) \$15,000,000 for fiscal year 1998; and

(B) \$12,000,000 for each of fiscal years 1999 through 2003.

(2) AVAILABILITY OF FUNDS.—Notwithstanding section 524(f)(2) of title 23, United States Code, the funds made available for use under paragraph (1) shall remain available until expended. For purposes of section 524(b)(4)(B) of title 23, United States Code, the research project under this section shall be considered to be an innovative research project.

#### KERREY AMENDMENTS NOS. 1517-1521

(Ordered to lie on the table.)

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

##### AMENDMENT NO. 1517

Strike “and “(14)” on lines 13 and 14 of page 386, and insert in lieu thereof the following new language:

“(14) to enhance safety where rails meet roads by preventing collisions at railroad grade crossings;

“(15) to encourage the use of intelligent transportation systems to promote the achievement of national transportation safety goals; and

“(16)”.

##### AMENDMENT NO. 1518

On page 398 line 11, insert after the word “States” the following new language: “and at railroad grade crossings”.

##### AMENDMENT NO. 1519

Strike “and “(5)” on lines 12 and 13 of page 372 and insert in lieu thereof the following new language:

“(5) the development of cost-effective and innovative techniques to separate auto-

mobile and pedestrian traffic from railroad traffic and to eliminate railroad crossings at grade; and

“(6)”.

##### AMENDMENT NO. 1520

At the appropriate place in the bill add the following new language:

##### SECTION . SHORT TITLE.

This amendment may be cited as the “Rural Highway Safety Act”.

##### SEC. . RURAL 2-LANE HIGHWAY SAFETY PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

##### “§ 162. Rural 2-lane highway safety program

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish a 2-lane rural highway safety program (referred to in this section as the ‘program’) to ensure the systematic reconstruction of rural 2-lane arterial and collector highways of substantial length that are not on the National Highway System.

“(2) PRINCIPLES.—Reconstruction under the program shall be carried out in accordance with state-of-the-art principles of—

“(A) safe alignment and cross-section design;

“(B) safe roadside conditions;

“(C) safety appurtenances;

“(D) durable and safe pavement design (especially long-term skid resistance);

“(E) grade crossing safety; and

“(F) traffic engineering.

“(3) COOPERATION WITH STATES AND PRIVATE SECTOR.—The Secretary shall carry out the program in cooperation with State highway departments and private sector experts in highway safety design, including experts in highway safety policy.

“(b) APPORTIONMENT.—For each fiscal year, the Secretary shall apportion—

“(1) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

“(A) the number of miles in the State of rural 2-lane arterial and collector surface roads that are not on the National Highway System; bears to

“(B) the number of miles in all States of rural 2-lane arterial and collector surface roads that are not on the National Highway System; and

“(2) 50 percent of the amount made available under subsection (e) to the States in the ratio that—

“(A) the percentage of the population of the State that resides in rural areas; bears to

“(B) the percentage of the population of all States that resides in rural areas.

“(c) SELECTION OF PROJECTS.—

“(1) IN GENERAL.—The States shall select projects to receive funding under the program based on—

“(A) criteria established in cooperation with the Secretary and other persons that give priority to highways associated with persistently high rates of fatal and non-fatal injuries due to accidents; and

“(B) to the maximum extent practicable, value engineering and life-cycle cost analysis.

“(2) COMPATIBILITY WITH MANAGEMENT SYSTEMS.—To the extent that a State selects projects in accordance with a functioning safety, pavement, bridge, or work zone management system, projects selected under the program shall be compatible with each management system.

“(3) STATEWIDE TRANSPORTATION PLANNING.—The selection of projects by a State under the program shall be carried out in a manner consistent with the statewide transportation planning of the State under section 135.