

105TH CONGRESS
1ST SESSION

S. 335

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 1997

Mr. WARNER (for himself, Mr. GRAHAM, Mr. HOLLINGS, Mr. FAIRCLOTH, Mr. LUGAR, Mr. FORD, Mrs. HUTCHISON, Mr. INHOFE, Mr. NICKLES, Mr. BREAUX, Mr. HELMS, Mr. COATS, Mr. MCCONNELL, Mr. SHELBY, Mr. BOND, Mr. THURMOND, Mr. SESSIONS, Mr. HUTCHINSON, Mr. GRAMM, Mr. ROBB, Mr. COVERDELL, Mr. CLELAND, and Mr. GRAMS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Declaration of policy.
- Sec. 3. Authorization of appropriations.

- Sec. 4. National Highway System.
- Sec. 5. Eligibility of Interstate maintenance activities.
- Sec. 6. Streamlined surface transportation program.
- Sec. 7. Determinations of population and other apportionment factors.
- Sec. 8. Highway bridge replacement and rehabilitation activities.
- Sec. 9. Congestion mitigation and air quality improvement activities.
- Sec. 10. Apportionment adjustment program.
- Sec. 11. Repeal of set-asides for discretionary programs.
- Sec. 12. Technical correction to program administration set-aside.
- Sec. 13. Effective date; applicability; certain unobligated balances.

1 **SEC. 2. DECLARATION OF POLICY.**

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

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

7 “(1) The Intermodal Surface Transportation
 8 Efficiency Act of 1991 (Public Law 102–240) set in
 9 motion a positive effort toward implementation of a
 10 responsive transportation program designed to meet
 11 a variety of national transportation needs by increas-
 12 ing State and local flexibility, streamlining the pro-
 13 gram structure, and rethinking the relationship
 14 among the States and the metropolitan areas within
 15 the States.

16 “(2) It is the policy of the United States to
 17 build on the successes of that Act and to develop a
 18 national intermodal transportation system that—

19 “(A) is economically efficient and environ-
 20 mentally sound;

1 “(B) provides the foundation for the Unit-
2 ed States to compete in the global economy;
3 and

4 “(C) will move people and goods in an en-
5 ergy efficient manner.

6 “(3) The national intermodal transportation
7 system shall consist of all forms of transportation in
8 a unified, interconnected manner, including the
9 transportation systems of the future, to reduce en-
10 ergy consumption and air pollution while promoting
11 economic development and supporting the Nation’s
12 preeminent position in international commerce.

13 “(4) The national intermodal transportation
14 system shall provide improved access to ports and
15 airports, the Nation’s link to world commerce.

16 “(5) The national intermodal transportation
17 system shall be the centerpiece of a national invest-
18 ment commitment to create the new wealth of the
19 United States for the 21st century.

20 “(6) The National Highway System is the foun-
21 dation for the Nation’s unified, connected transpor-
22 tation system. National policy for the National
23 Highway System should be broadly focused, consid-
24 ering all vital economic and mobility resources.

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

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

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

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

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

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

6 (1) NATIONAL HIGHWAY SYSTEM.—For the Na-
7 tional Highway System under section 103 of title
8 23, United States Code, \$10,174,424,000 for each
9 of fiscal years 1998 through 2002.

10 (2) SURFACE TRANSPORTATION PROGRAM.—
11 For the surface transportation program under sec-
12 tion 133 of that title \$15,261,636,000 for each of
13 fiscal years 1998 through 2002.

14 (3) FEDERAL LANDS HIGHWAYS PROGRAM.—

15 (A) INDIAN RESERVATION ROADS.—For
16 Indian reservation roads under section 204 of
17 that title \$245,700,000 for each of fiscal years
18 1998 through 2002.

19 (B) PUBLIC LANDS HIGHWAYS.—For pub-
20 lic lands highways under section 204 of that
21 title \$213,700,000 for each of fiscal years 1998
22 through 2002.

23 (C) PARKWAYS AND PARK ROADS.—For
24 parkways and park roads under section 204 of
25 that title \$104,520,000 for each of fiscal years
26 1998 through 2002.

1 (b) OBLIGATION LIMITATIONS.—

2 (1) IN GENERAL.—Except as provided in para-
 3 graph (2), notwithstanding any other provision of
 4 law, any limitation on obligations established for any
 5 of fiscal years 1998 through 2002 for funds appor-
 6 tioned or allocated from the Highway Trust Fund
 7 (other than the Mass Transit Account) shall apply
 8 to all such apportionments and allocations, unless
 9 the provision of law establishing the limitation spe-
 10 cifically amends or limits the applicability of this
 11 paragraph.

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

16 **SEC. 4. NATIONAL HIGHWAY SYSTEM.**

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

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

20 “The term ‘highway funds’ means, with respect to a
 21 fiscal year, the funds apportioned and allocations author-
 22 ized by the ISTEA Integrity Restoration Act and this title
 23 to a State for the fiscal year, and the funds administra-
 24 tively allocated to a State for the preceding fiscal year (if

1 any), for Federal-aid highways and highway safety con-
2 struction (other than funds made available for emergency
3 relief under section 125 and for the Federal lands high-
4 ways program under section 204).”; and

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

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

10 “(1) NATIONAL HIGHWAY SYSTEM.—For the
11 National Highway System, $\frac{1}{3}$ percent to the Virgin
12 Islands, Guam, American Samoa, and the Common-
13 wealth of the Northern Mariana Islands and the re-
14 maining $99\frac{2}{3}$ percent apportioned as follows:

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

21 “(i) a percentage share of appor-
22 tionments equal to the percentage specified for
23 the State in section 157(d); or

24 “(ii) a share determined under sub-
25 paragraph (B).

1 “(B) Subject to subparagraph (A), in the
2 case of any State for which the percentage
3 share is not determined under subparagraph
4 (A)(i), a share of the remaining apportionments
5 determined in accordance with the following
6 formula:

7 “(i) $\frac{1}{9}$ of the apportionments in the
8 ratio that—

9 “(I) the total rural lane miles in
10 each State; bears to

11 “(II) the total rural lane miles in
12 all States for which the percentage
13 share is not determined under sub-
14 paragraph (A)(i).

15 “(ii) $\frac{1}{9}$ of the apportionments in the
16 ratio that—

17 “(I) the total rural vehicle miles
18 traveled in each State; bears to

19 “(II) the total rural vehicle miles
20 traveled in all States for which the
21 percentage share is not determined
22 under subparagraph (A)(i).

23 “(iii) $\frac{2}{9}$ of the apportionments in the
24 ratio that—

1 “(I) the total urban lane miles in
2 each State; bears to

3 “(II) the total urban lane miles
4 in all States for which the percentage
5 share is not determined under sub-
6 paragraph (A)(i).

7 “(iv) $\frac{2}{9}$ of the apportionments in the
8 ratio that—

9 “(I) the total urban vehicle miles
10 traveled in each State; bears to

11 “(II) the total urban vehicle
12 miles traveled in all States for which
13 the percentage share is not deter-
14 mined under subparagraph (A)(i).

15 “(v) $\frac{3}{9}$ of the apportionments in the
16 ratio that—

17 “(I) the total diesel fuel used on
18 highways in each State; bears to

19 “(II) the total diesel fuel used on
20 highways in all States for which the
21 percentage share is not determined
22 under subparagraph (A)(i).”.

23 (c) BRIDGES AS ELIGIBLE PROJECTS.—Section
24 103(i) of title 23, United States Code, is amended by add-
25 ing at the end the following:

1 “(14) Construction, reconstruction, resurfacing,
2 restoration, and rehabilitation of bridges on seg-
3 ments of the National Highway System.”.

4 **SEC. 5. ELIGIBILITY OF INTERSTATE MAINTENANCE AC-**
5 **TIVITIES.**

6 (a) **ELIMINATION OF APPORTIONMENTS.**—Section
7 104(b) of title 23, United States Code, is amended by
8 striking paragraph (5).

9 (b) **FUNDING OF ACTIVITIES.**—Section 119 of title
10 23, United States Code, is amended—

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

13 (2) in subsection (a)—

14 (A) in the first sentence—

15 (i) by striking “sections 103 and
16 139(c) of this title and routes on the Inter-
17 state System designated before the date of
18 enactment of this sentence under section
19 139 (a) and (b) of”; and

20 (ii) by striking “subsection (e)” and
21 inserting “subsection (d)”; and

22 (B) by striking the second sentence and in-
23 serting the following: “Projects approved under
24 the preceding sentence shall be carried out

1 using funds apportioned in accordance with
2 paragraphs (1) and (3) of section 104(b).”;

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

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

6 (5) by redesignating subsection (e) as sub-
7 section (d).

8 (c) CONFORMING AMENDMENTS.—

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

“119. Interstate maintenance activities.”.

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

14 (A) in the first sentence of subsection (a),
15 by striking “the National Highway System, and
16 the Interstate System” and inserting “and the
17 National Highway System”;

18 (B) in the matter preceding paragraph (1)
19 of subsection (b)—

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

22 (ii) by striking “the National Highway
23 System, and the Interstate System” and
24 inserting “and the National Highway Sys-
25 tem”; and

1 (C) in subsection (e)—

2 (i) in the first sentence, by striking
3 “(other than under subsection (b)(5) of
4 this section)”;

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

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

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

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

20 (5) Section 139 of title 23, United States Code,
21 is amended by striking “sections 104(b)(1) and
22 104(b)(5)(B) of this title” each place it appears and
23 inserting “section 104(b)(1)”.

24 (6) Section 141(c) of title 23, United States
25 Code, is amended by inserting “(as in effect on the

1 day before the date of enactment of the ISTEA In-
2 tegrity Restoration Act)” after “section 104(b)(5) of
3 this title” each place it appears.

4 (7) Section 142(e) of title 23, United States
5 Code, is amended by striking “(other than section
6 104(b)(5)(A))”.

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

9 (A) in subsection (a), by inserting “(as in
10 effect on the day before the date of enactment
11 of the ISTEA Integrity Restoration Act)” after
12 “104(b)(5)” each place it appears; and

13 (B) by striking subsection (b) and insert-
14 ing the following:

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

19 (9) Section 159 of title 23, United States Code,
20 is amended—

21 (A) by striking “(5) of” each place it ap-
22 pears and inserting “(5) (as in effect on the
23 day before the date of enactment of the ISTEA
24 Integrity Restoration Act) of”; and

25 (B) in subsection (b)—

1 (i) in paragraph (1)(A)—

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

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

14 (ii) in paragraph (3)—

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

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

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

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

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

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

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

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

1 (as in effect on the day before the date of en-
2 actment of the ISTEA Integrity Restoration
3 Act),”;

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

9 (C) in each of subsections (d)(2) and (e),
10 by inserting “(as in effect on the day before the
11 date of enactment of the ISTEA Integrity Res-
12 toration Act)” after “section 104(b)(5) of title
13 23”.

14 **SEC. 6. STREAMLINED SURFACE TRANSPORTATION PRO-**
15 **GRAM.**

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

18 (1) in subsection (b)—

19 (A) in paragraph (1), by striking “bridges
20 (including bridges on public roads of all func-
21 tional classifications),” and inserting “bridges
22 on the Federal-aid system and bridges off the
23 Federal-aid system,”; and

24 (B) by adding at the end the following:

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

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

16 (3) in subsection (d)—

17 (A) by striking paragraphs (1) and (2) and
18 inserting the following:

19 “(1) FOR TRANSPORTATION ENHANCEMENT AC-
20 TIVITIES.—For each fiscal year, a State shall allo-
21 cate for transportation enhancement activities an
22 amount of the funds available for obligation under
23 section 104(b)(3) determined by multiplying—

1 “(A) the amount of the funds required to
2 be allocated for transportation enhancement ac-
3 tivities under the Intermodal Surface Transpor-
4 tation Efficiency Act of 1991 (Public Law 102-
5 240) for fiscal year 1995; by

6 “(B) the amount determined by dividing—

7 “(i) the highway funds of the State
8 for the fiscal year; by

9 “(ii) the highway funds of the State
10 for fiscal year 1995.”;

11 (B) by redesignating paragraphs (3)
12 through (5) as paragraphs (2) through (4), re-
13 spectively;

14 (C) in paragraph (2) (as so redesign-
15 ated)—

16 (i) by striking subparagraph (A) and
17 inserting the following:

18 “(A) GENERAL RULE.—Except as provided
19 in subparagraph (C), for each fiscal year, a
20 State shall allocate for use in each area of the
21 State with an urbanized area population of over
22 200,000 persons an amount of the funds avail-
23 able for obligation under section 104(b)(3) for
24 the fiscal year determined by multiplying—

1 “(i) the amount of funds required to
2 be allocated for use in those areas under
3 the Intermodal Surface Transportation Ef-
4 ficiency Act of 1991 (Public Law 102-
5 240) for fiscal year 1997; by

6 “(ii) the amount determined by divid-
7 ing—

8 “(I) the highway funds of the
9 State for the fiscal year; by

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

12 (ii) in subparagraph (B), by striking
13 “subparagraph (A)(ii)” and inserting “this
14 section”;

15 (iii) by striking subparagraph (C) and
16 inserting the following:

17 “(C) SPECIAL RULE FOR CERTAIN
18 STATES.—Subparagraph (A) shall not apply in
19 the case of a State—

20 “(i) in which greater than 80 percent
21 of the population of the State is located in
22 1 or more metropolitan statistical areas
23 and greater than 80 percent of the land
24 area of the State is owned by the United
25 States; or

1 “(ii) that is noncontiguous with the
2 continental United States.”;

3 (iv) by striking subparagraph (D);

4 (v) by redesignating subparagraph (E)
5 as subparagraph (D); and

6 (vi) in subparagraph (D) (as so reded-
7 igned)—

8 (I) by striking “obligate” each
9 place it appears and inserting “allo-
10 cate”;

11 (II) by striking “(A)(i)” each
12 place it appears and inserting “(A)”;
13 and

14 (III) by striking “obligated” and
15 inserting “allocated”; and

16 (D) in paragraph (4)(A) (as redesignated
17 by subparagraph (B)), by striking “paragraph
18 (2)” and inserting “paragraph (1)”;

19 (4) in subsection (e)—

20 (A) by striking paragraph (1);

21 (B) by redesignating paragraphs (2)
22 through (5) as paragraphs (1) through (4), re-
23 spectively;

1 (C) by striking “subsection (d)(2)” each
2 place it appears and inserting “subsection
3 (d)(1)”;

4 (D) by striking paragraph (1) (as redesign-
5 dated by subparagraph (B)) and inserting the
6 following:

7 “(1) CERTIFICATION.—

8 “(A) IN GENERAL.—Before the beginning
9 of each fiscal year, to be eligible for payments
10 under this section, the Governor of each
11 State—

12 “(i) shall certify to the Secretary that
13 the State will meet all the requirements of
14 this section; and

15 “(ii) shall notify the Secretary that
16 the amount of obligations expected to be
17 incurred for each surface transportation
18 program project during the fiscal year is in
19 accordance with each survey, plan, speci-
20 fication, and estimate for the proposed
21 project as included in the surface transpor-
22 tation program category in the transpor-
23 tation improvement program of the State
24 developed under section 135(f) for the fis-
25 cal year.

1 “(B) ADJUSTMENTS.—A State may re-
 2 quest an adjustment to an obligation amount
 3 referred to in subparagraph (A)(ii) later in the
 4 fiscal year.

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

14 (5) in subsection (f)—

15 (A) by striking “6-fiscal year period 1992
 16 through 1997” and inserting “5-fiscal year pe-
 17 riod 1998 through 2002”; and

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

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

23 “(3) SURFACE TRANSPORTATION PROGRAM.—
 24 For the surface transportation program—

1 “(A) in the case of a State with an average
2 population density of 20 persons per square
3 mile or fewer, or in the case of a State with a
4 population of 1,500,000 persons or fewer and
5 a land area of 10,000 square miles or less, the
6 greater of—

7 “(i) a percentage share of apportion-
8 ments equal to the percentage specified for
9 the State in section 157(d); or

10 “(ii) a share determined under sub-
11 paragraph (B); and

12 “(B) subject to subparagraph (A), in the
13 case of any State for which the percentage
14 share is not determined under subparagraph
15 (A)(i), a percentage share of the remaining ap-
16 portionments equal to the percentage of esti-
17 mated tax payments attributable to highway
18 users in the State paid into the Highway Trust
19 Fund (other than the Mass Transit Account) in
20 the latest fiscal year for which data are avail-
21 able.”.

22 (c) CONFORMING AMENDMENTS.—

23 (1) Section 134(i)(5) of title 23, United States
24 Code, is amended by striking “section 133(d)(3)”

1 each place it appears and inserting “section
2 133(d)(2)”.

3 (2) Section 5305(e)(2) of title 49, United
4 States Code, is amended in the first sentence by
5 striking “section 133(d)(3) of title 23” and inserting
6 “section 133(d)(2) of title 23”.

7 **SEC. 7. DETERMINATIONS OF POPULATION AND OTHER AP-**
8 **PORTIONMENT FACTORS.**

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

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

15 “(l) DETERMINATIONS OF OTHER APPORTIONMENT
16 FACTORS.—For the purposes of paragraphs (1) and (3)
17 of subsection (b), apportionment factors shall be deter-
18 mined on the basis of the most recent data certified by
19 the Secretary.”.

20 **SEC. 8. HIGHWAY BRIDGE REPLACEMENT AND REHABILI-**
21 **TATION ACTIVITIES.**

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

24 (b) CONFORMING AMENDMENTS.—

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

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

6 (A) in the first sentence, by striking “,
7 144,”; and

8 (B) by striking the third and fourth sen-
9 tences.

10 (3) Section 115 of title 23, United States Code,
11 is amended—

12 (A) in subsection (a)—

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

15 (ii) in paragraph (1)(A)(i), by striking
16 “144,”; and

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

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

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

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

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

8 (8) Section 204(e) of title 23, United States
9 Code, is amended in the first sentence by striking
10 “or section 144 of this title”.

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

16 (10) Section 307 of title 23, United States
17 Code, is amended—

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

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

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

1 **SEC. 9. CONGESTION MITIGATION AND AIR QUALITY IM-**
2 **PROVEMENT ACTIVITIES.**

3 (a) **ELIMINATION OF APPORTIONMENTS.**—Section
4 104(b) of title 23, United States Code, is amended by
5 striking paragraph (2).

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

8 (c) **CONFORMING AMENDMENTS.**—

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

12 (2) Section 104 of title 23, United States Code,
13 is amended in the first sentence of subsection (a),
14 and in the matter preceding paragraph (1) of sub-
15 section (b), by striking “, the congestion mitigation
16 and air quality improvement program,”.

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

19 (A) in the subsection heading, by striking
20 “CONGESTION MITIGATION AND AIR QUALITY
21 IMPROVEMENT,”; and

22 (B) in paragraph (1)(A)(i), by striking
23 “104(b)(2),”.

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

1 (5) Section 217 of title 23, United States Code,
2 is amended—

3 (A) in subsection (a)—

4 (i) in the subsection heading, by strik-
5 ing “STP AND CONGESTION MITIGATION
6 PROGRAM” and inserting “SURFACE
7 TRANSPORTATION PROGRAM”; and

8 (ii) by striking “sections 104(b)(2)
9 and 104(b)(3) of this title” and inserting
10 “section 104(b)(3)”; and

11 (B) in subsection (d), by striking “sections
12 104(b)(2) and 104(b)(3) of this title” and in-
13 serting “section 104(b)(3)”.

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

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

21 (8) Section 355(c) of the National Highway
22 System Designation Act of 1995 (Public Law 104-
23 59; 109 Stat. 624) is amended by striking “(b)(2),”
24 and inserting “(b)(2) (as in effect on the day before

1 the date of enactment of the ISTEA Integrity Res-
 2 toration Act and in the case of succeeding fiscal
 3 years 1996 and 1997),”.

4 **SEC. 10. APPORTIONMENT ADJUSTMENT PROGRAM.**

5 (a) IN GENERAL.—

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

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

9 “(a) IN GENERAL.—On October 1 (or as soon as
 10 practicable thereafter) of fiscal year 1998 and each fiscal
 11 year thereafter, the Secretary shall apportion among the
 12 States additional amounts sufficient to ensure that the
 13 ratio of the highway funds of the State to the highway
 14 funds of all States for the fiscal year is not less than the
 15 percentage specified for the State in subsection (d).

16 “(b) ADDITIONAL APPORTIONMENTS.—In addition to
 17 any amount required to be apportioned by subsection (a)
 18 for a fiscal year, a State shall receive additional apportion-
 19 ments so that each State’s percentage of highway funds
 20 for the fiscal year is not less than 95 percent of the per-
 21 centage of estimated tax payments attributable to highway
 22 users in the State paid into the Highway Trust Fund
 23 (other than the Mass Transit Account) in the latest fiscal
 24 year for which data are available.

25 “(c) REQUIREMENT.—

1 “(1) IN GENERAL.—Any increase in apportion-
2 ments necessary to comply with subsection (a) or (b)
3 shall be carried out so that the ratio of—

4 “(A) the highway funds of each State with
5 an average population density of 20 persons per
6 square mile or fewer or each State with a popu-
7 lation of 1,500,000 persons or fewer and a land
8 area of 10,000 square miles or less; to

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

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

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

“States:	Adjustment percentage
Alabama	2.02
Alaska	1.24
Arizona	1.68
Arkansas	1.32
California	9.81
Colorado	1.23
Connecticut	1.00
Delaware	0.40
District of Columbia	0.52
Florida	4.77
Georgia	3.60
Hawaii	0.55
Idaho	0.70
Illinois	3.71
Indiana	2.63

“States:	Adjustment percentage
Iowa	1.13
Kansas	1.10
Kentucky	1.91
Louisiana	1.63
Maine	0.50
Maryland	1.64
Massachusetts	1.68
Michigan	3.34
Minnesota	1.56
Mississippi	1.23
Missouri	2.45
Montana	0.95
Nebraska	0.73
Nevada	0.67
New Hampshire	0.48
New Jersey	2.28
New Mexico	1.05
New York	4.27
North Carolina	2.83
North Dakota	0.63
Ohio	3.77
Oklahoma	1.55
Oregon	1.23
Pennsylvania	4.12
Puerto Rico	0.50
Rhode Island	0.55
South Carolina	1.63
South Dakota	0.70
Tennessee	2.30
Texas	7.21
Utah	0.71
Vermont	0.43
Virginia	2.61
Washington	1.75
West Virginia	0.76
Wisconsin	1.91
Wyoming	0.66

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

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

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

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

5 “(f) APPORTIONMENTS.—There are authorized to be
6 appropriated out of the Highway Trust Fund (other than
7 the Mass Transit Account) to carry out this section such
8 sums as are necessary for fiscal year 1998 and each fiscal
9 year thereafter.”.

10 (2) CONFORMING AMENDMENT.—The analysis
11 for chapter 1 of title 23, United States Code, is
12 amended by striking the item relating to section 157
13 and inserting the following:

“157. Apportionment adjustment program.”.

14 (b) REPEAL OF REIMBURSEMENT FOR SEGMENTS OF
15 THE INTERSTATE SYSTEM CONSTRUCTED WITHOUT FED-
16 ERAL ASSISTANCE.—

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

19 (2) CONFORMING AMENDMENT.—The analysis
20 for chapter 1 of title 23, United States Code, is
21 amended by striking the item relating to section
22 160.

1 **SEC. 11. REPEAL OF SET-ASIDES FOR DISCRETIONARY PRO-**
2 **GRAMS.**

3 Section 118 of title 23, United States Code, is
4 amended—

5 (1) by striking subsection (e); and

6 (2) by redesignating subsections (d), (e), and
7 (f) as subsections (c), (d), and (e), respectively.

8 **SEC. 12. TECHNICAL CORRECTION TO PROGRAM ADMINIS-**
9 **TRATION SET-ASIDE.**

10 Section 104(a) of title 23, United States Code, is
11 amended in the first sentence by striking “not to exceed
12 $3\frac{3}{4}$ per centum” and inserting “not to exceed 2 percent”.

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

15 (a) **IN GENERAL.**—This Act and the amendments
16 made by this Act shall take effect on the date of enactment
17 of this Act.

18 (b) **APPLICABILITY.**—This Act and the amendments
19 made by this Act—

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

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

26 (c) **UNOBLIGATED BALANCES.**—

1 (1) IN GENERAL.—Unobligated balances of
2 funds apportioned to a State under sections
3 104(b)(2), 104(b)(4), 104(b)(5), 144(e), and 157 of
4 title 23, United States Code, and sections 1013(c),
5 1069, and 1103 through 1108 of the Intermodal
6 Surface Transportation Efficiency Act of 1991
7 (Public Law 102–240) before October 1, 1997, shall
8 be available for obligation in the State under the law
9 (including regulations, policies, and procedures) re-
10 lating to the obligation and expenditure of the funds
11 in effect on September 30, 1997.

12 (2) TRANSFERABILITY.—

13 (A) CONGESTION MITIGATION AND AIR
14 QUALITY IMPROVEMENT PROGRAM.—A State
15 may transfer unobligated balances of funds ap-
16 portioned to the State before October 1, 1997,
17 for the congestion mitigation and air quality
18 improvement program under section 104(b)(2)
19 of title 23, United States Code (as in effect on
20 the day before the date of enactment of this
21 Act) to the apportionment of the State under
22 section 104(b)(3) of title 23, United States
23 Code.

24 (B) INTERSTATE CONSTRUCTION AND
25 INTERSTATE MAINTENANCE PROGRAMS.—A

1 State may transfer unobligated balances of
2 funds apportioned to the State before October
3 1, 1997, for the Interstate construction pro-
4 gram under section 104(b)(5)(A) of title 23,
5 United States Code (as in effect on the day be-
6 fore the date of enactment of this Act) or the
7 Interstate maintenance program under section
8 104(b)(5)(B) of title 23, United States Code
9 (as in effect on the day before the date of en-
10 actment of this Act) to the apportionment of
11 the State under section 104(b)(1) of title 23,
12 United States Code.

13 (C) BRIDGE REPLACEMENT AND REHA-
14 BILITATION PROGRAM.—A State may transfer
15 unobligated balances of funds apportioned to
16 the State before October 1, 1997, for the bridge
17 replacement and rehabilitation program under
18 section 144 of title 23, United States Code (as
19 in effect on the day before the date of enact-
20 ment of this Act) to the apportionment to the
21 State under paragraph (1) or (3) of section
22 104(b) of title 23, United States Code.

23 (D) SURFACE TRANSPORTATION PRO-
24 GRAM.—A State may transfer unobligated bal-
25 ances of funds apportioned to the State before

1 October 1, 1997, for the surface transportation
2 program under section 104(b)(3) of title 23,
3 United States Code (as in effect on the day be-
4 fore the date of enactment of this Act) to the
5 apportionment of the State under section
6 104(b)(3) of title 23, United States Code.

7 (E) APPLICABILITY OF CERTAIN LAWS.—
8 Funds transferred under this paragraph shall
9 be subject to the laws (including regulations,
10 policies, and procedures) relating to the appor-
11 tionment to which the funds are transferred.

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