positive resolution of their grief. It is important to families who have suffered such a loss to know that they are not alone. To commemorate the lives of these children with a special day would pay them an honor and would help to bring comfort to the hearts of their bereaved families.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

COLLINS AMENDMENTS NOS. 1730–1732

(Ordered to lie on the table.)

Ms. COLLINS submitted three amendments intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety, and for mass transit programs, and for other purposes; as follows:

AMENDMENT NO. 1730

At the appropriate place, insert the following:

SEC. 18___. FUNDING TRANSFER.

Section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027) is amended in item 9 of the table by inserting ‘‘, Topsham-Brunswick Bypass, and improvements to the Carlton Bridge in Bath-Woolwich’’ after ‘‘Bridge’’.

AMENDMENT NO. 1731

On page 106, line 15, strike ‘‘$70,000,000’’ and insert ‘‘$75,000,000’’.

On page 107, line 3, insert ‘‘(including projects using structures made from wood fiber reinforced plastic hybrid composites)’’ after ‘‘bridge’’.

On page 107, line 6, insert ‘‘(including projects using structures made from wood fiber reinforced plastic hybrid composites)’’ after ‘‘bridge’’.

On page 123, line 25, strike ‘‘may’’ and insert ‘‘shall’’.

On page 124, line 22, insert ‘‘(including reconstruction through use of structures made from wood fiber reinforced plastic hybrid composites)’’ after ‘‘reconstruct’’.

AMENDMENT NO. 1732

On page 320, line 8, insert ‘‘, including technology relating to wood fiber reinforced plastic hybrid composites’’ before the semicolon.

On page 343, line 22, insert ‘‘(including technologies that rely on wood fiber reinforced plastic hybrid composites)’’ after ‘‘corrosion’’.

On page 346, strike lines 15 through 18 and insert the following:

$10,000,000 for fiscal year 1998, $14,000,000 for fiscal year 1999, $18,000,000 for fiscal year 2000, and $20,000,000 for each of fiscal years 2001 through 2003.

On page 368, line 11, strike ‘‘and’’.

On page 368, line 14, strike the period and insert ‘‘; and’’.

On page 368, between lines 14 and 15, insert the following:

‘‘(4) the implementation of bridge structures made from wood fiber reinforced plastic hybrid composites.

On page 369, line 1, strike ‘‘$50,000,000’’ and insert ‘‘$60,000,000’’.

On page 370, line 19, insert ‘‘, including structures made from wood fiber reinforced plastic hybrid composites’’ after ‘‘applications’’.

On page 373, strike lines 9 through 14 and insert the following:

‘‘(i) $15,000,000 for fiscal year 1998;

‘‘(ii) $25,000,000 for fiscal year 1999;

‘‘(iii) $30,000,000 for fiscal year 2000; and

‘‘(iv) $35,000,000 for each of fiscal years 2001 through 2003.

GORTON AMENDMENT NO. 1733

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 99, line 22, strike ‘‘and’’.

On page 99, between lines 22 and 23, insert the following:

(J) the level of traffic delays at at-grade highway crossings of major rail lines in the trade corridor for which application for the grant is made; and

On page 99, line 23, strike ‘‘(J)’’ and insert ‘‘(K)’’.

On page 101, between lines 9 and 10, insert the following:

(C) INFRASTRUCTURE CONSTRUCTION.—

(i) IN GENERAL.—For each fiscal year, not less than 25 percent of the amounts made available under paragraph (5) shall be used to make grants to improve transport and supporting infrastructure, and construct new infrastructure, in trade corridors experiencing serious delays in the movement of people and goods.

(ii) CONSIDERATION OF COST-EFFECTIVENESS.—In selecting States, metropolitan planning organizations, and projects to receive infrastructure construction grants under this subparagraph, the Secretary shall consider the cost-effectiveness of the proposed construction, including—

(I) the volume of commercial and noncommercial highway and rail traffic that would benefit from the construction;

(II) the speed with which the grant recipient would commence the construction; and

(III) the level of matching funds available for the construction from State, local, and private sources.

On page 101, strike lines 21 through 24 and insert the following:

(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 $125,000,000 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).

BOND AMENDMENT NO. 1734

(Ordered to lie on the table.)

Mr. BOND submittted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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

SEC. 18___. SENSE OF SENATE CONCERNING THE OPERATION OF 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.

CLELAND AMENDMENT NO. 1735

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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

SEC. 18___. ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the undesignated paragraph relating to Georgia—

(1) by inserting ‘‘Elbert,’’ after ‘‘Douglas,’’; and

(2) by inserting ‘‘Hart,’’ after ‘‘Haralson,’’.

HOLLINGS AMENDMENTS NOS. 1736–1737

(Ordered to lie on the table.)

Mr. HOLLINGS submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1736

On page 129, beginning with line 1 strike through line 23 on page 133, and insert the following: shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

‘‘(2) DECLARATION OF EMERGENCY.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

‘‘(A) in the area covered by an emergency declaration under this paragraph; and

‘‘(B) for a period of not more than 30 days designated in that declaration, issued by an elected State of local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

‘‘(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the

official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

''(A) a utility service vehicle driver to which the declaration applied; or

''(B) a utility service vehicle to the driver of which the declaration applied.

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

''(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

''(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).''.

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

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

(A) COMMERCIAL DRIVER'S LICENSE.—The term ''commercial driver's license'' has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term ''driver of a utility service vehicle'' has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term ''regulation'' has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

AMENDMENT NO. 1737

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

''§ 5117. Special permits, pilot programs, 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;

(4) in subsection (a)(2), by striking ''2'' and inserting ''4'';

(5) by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

''(d) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

''(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter. The Secretary may carry out pilot programs unless the Secretary determines pilot programs would pose an undue risk to public health and safety.

''(2) SAFETY LEVELS.—In carrying out a pilot project under this subsection, 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 chapter.

''(3) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.''.

(b) Section 5119(c) is amended by adding at the end 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, pilot programs, and exclusions.''.

SARBANES AMENDMENTS NOS. 1738–1739

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1738

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

SEC. 18___. SALE OF MERCHANDISE AT SIDELING HILL VISITOR CENTER, MARYLAND.

(a) IN GENERAL.—Notwithstanding section 111 of title 23, United States Code, the State of Maryland may offer merchandise for sale at the Sideling Hill Visitor Center on Interstate Route 68 in Maryland.

(b) TYPES OF MERCHANDISE.—

(1) IN GENERAL.—Merchandise offered for sale under subsection (a) shall be limited to items specifically related to the Sideling Hill site and to memorabilia concerning the State of Maryland.

(2) RELATIONSHIP TO VENDING MACHINE OPERATIONS.—The sale of merchandise under subsection (a) shall not compete with the vending machine operations being conducted at the center as of the date of enactment of this Act.

(c) USE OF REVENUES.—Revenues from the sale of merchandise under subsection (a) may be used only to pay for operating costs of the center.

AMENDMENT NO. 1739

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

SEC. 18___. CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

BREAUX (AND LANDRIEU) AMENDMENTS NOS. 1740–1743

(Ordered to lie on the table.)

Mr. BREAUX (for himself and Ms. LANDRIEU) submitted for amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1740

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. 1741

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.

AMENDMENT NO. 1742

On page 220, line 14, strike ''and''.

On page 220, line 17, strike the period and insert ''; and''.

On page 220, between lines 17 and 18, insert the following:

''(iii) a Gulf Coast high speed railway corridor (as designated by the Secretary).

AMENDMENT NO. 1743

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

SEC. 18___. 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 OTHERS) AMENDMENT NO. 1744

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Ms. LANDRIEU, Mr. ROBB, Mr. KEMPTHORNE, and Mr. CRAIG) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE 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 ensure 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.

FEINSTEIN AMENDMENTS NOS. 1745–1746

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1745

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

SEC. 18___. SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE ASSESSMENT.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico (referred to in this section as the ''border'').

(b) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of the Treasury;

(4) the Administrator of the Environmental Protection Agency;

(5) the Commandant of the Coast Guard;

(6) the Administrator of General Services;

(7) the American Commissioner on the International Boundary Commission, United States and Mexico;

(8) State agencies responsible for transportation and law enforcement in border States; and

(9) municipal governments and transportation authorities in sister cities in the border area.

(c) REQUIREMENTS.—In carrying out the assessment, the Secretary shall—

(1) assess—

(A) the flow of commercial and private traffic through designated ports of entry on the border;

(B) the adequacy of transportation infrastructure in the border area, including highways, bridges, railway lines, and border inspection facilities;

(C) the adequacy of law enforcement and narcotics abatement activities in the border area, as the activities relate to commercial and private traffic; and

(D) future demands on transportation infrastructure in the border area; and

(2) make recommendations to facilitate legitimate cross-border traffic in the border area, while maintaining the integrity of the border.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the assessment conducted under this section, including any related legislative and administrative recommendations.

AMENDMENT NO. 1746

On page 59, between lines 17 and 18, insert the following:

''(4) USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage States, in carrying out activities funded under this section, to enter into contracts and cooperative agreements with youth conservation or service corps that are certified by the National Association of Service and Conservation Corps.

On page 158, strike line 4 and insert the following: 100 percent.

''(D) USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage States, in carrying out transportation enhancement activities funded from the allocation required by subsection (d)(2), to enter into contracts and cooperative agreements with youth conservation or service corps that are certified by the National Association of Service and Conservation Corps.''.

JOHNSON (AND OTHERS) AMENDMENT NO. 1747

(Ordered to lie on the table.)

Mr. JOHNSON (for himself, Mr. THOMAS, Mr. LEVIN, and Mr. ALLARD) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . MINIMUM GUARANTEE OF TRANSIT PROGRAM FUNDS.

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

''(o) MINIMUM GUARANTEE OF TRANSIT PROGRAM FUNDS.—

''(1) SET-ASIDE REQUIRED.—For each fiscal year beginning after September 30, 1997, after

providing for any allocation or set-asides under subsection (g) or (h) of this section, but before completing distribution of other amounts made available or appropriated under subsections (a) and (b) of this section, the Secretary shall set aside, and shall distribute to each State, in addition to amounts otherwise distributed to the State (or to its political subdivisions) to carry out sections 5307, 5309, 5310, and 5311, the amount described in paragraph (2)(B).

''(2) CALCULATION.—

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

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

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

''(B) AMOUNT.—Subject to subparagraph (C) and any other limitations set forth in this subsection, the amount described in this subparagraph is the amount, if it is a positive number, that, if added to the total amount distributed to the State (and its political subdivisions) under sections 5307, 5309, 5310, and 5311 for that fiscal year, is equal to the minimum guarantee threshold amount.

''(C) LIMITATION.—The maximum amount distributed to a State under this subsection shall not exceed $12,500,000.

''(3) SOURCE OF FUNDS.—

''(A) IN GENERAL.—Amounts required to be set aside and distributed to States under this subsection in any fiscal year—

''(i) may be obtained from any amounts under section 5309 that are made available or appropriated to the Secretary for funding this subsection or for distribution at the discretion of the Secretary in the fiscal year; or

''(ii) if not, shall be obtained by proportionately reducing amounts that would otherwise be made available or appropriated under subsections (a) and (b) of this section, for sections 5307, 5309, and 5311, to those States and political subdivisions for which the total amount distributed under sections 5307, 5309, 5310, and 5311 in that fiscal year is greater than 1.05 times—

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

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

''(B) PROPORTIONATE REDUCTIONS FROM DIFFERENT SOURCES.—The Secretary shall apply reductions under subparagraph (A) proportionately to amounts made available from the Mass Transit Account and to amounts appropriated or made available from other sources.

''(C) OTHER RULES ON APPLICATION OF REDUCTIONS.—

''(i) IN GENERAL.—Reductions otherwise required by subparagraph (A) may be taken against the amounts that otherwise would be distributed to any State or political subdivision thereof only to the extent that making those reductions would not—

''(I) reduce the total amount distributed to the State and its political subdivisions under sections 5307, 5309, 5310, and 5311 to less than the greater of—

''(aa) 90 percent of the total of amounts distributed to the State and its political subdivisions under those sections in fiscal year 1997; or

''(bb) the minimum guarantee threshold amount for the State for the fiscal year at issue; or

''(II) reduce the total amount distributed to a State or political subdivision that, prior to application of this subsection, would receive a total amount less than the greater of the amount specified by item (aa) or (bb) of subclause (I).

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

''(D) PROPORTIONATE REDUCTION IN CASE OF INSUFFICIENT FUNDS.—If the application of subparagraphs (A) and (C) would provide funds in an amount less than the amount described in paragraph (2), the Secretary shall distribute to the State, in lieu of the amount that otherwise would be distributed under paragraph (2), an amount equal to—

''(i) the amount otherwise required under paragraph (2); multiplied by

''(ii) the quotient of—

''(I) the amount obtained by application of subparagraphs (A) and (C); and

''(II) the amount required under paragraph (2) to be provided to all States.

''(4) ATTRIBUTION OF AMOUNTS.—For the purposes of calculations under this subsection, with respect to attributing to individual States any amounts distributed to political subdivisions that are multi-State entities, the Secretary shall attribute those amounts to individual States, based on such criteria as the Secretary may adopt by rule, except that, for purposes of calculations made during the 12-month period beginning on the date of enactment of this subsection, the Secretary may attribute those amounts to individual States before adopting a rule.

''(5) USE AND AVAILABILITY.—

''(A) IN GENERAL.—Amounts distributed to a State under this subsection may be used for any purpose eligible for assistance under this chapter and shall remain available until expended.

''(B) CITY AND COMMUNITY TRANSIT FUNDING INCREASE GUARANTEE.—

''(i) IN GENERAL.—No less than fifty percent of the amount distributed to a State under this subsection shall be distributed by the State to each entity in the State, including the State itself, that, in the immediately preceding fiscal year, received funds directly from the Secretary under section 5307, 5309, 5310, or 5311.

''(ii) ALLOCATION.—In carrying out clause (i), the Secretary shall distribute to each entity described in that clause an amount equal to the ratio between—

''(I) the total amount of funds received by the entity under sections 5307, 5309, 5310, and 5311 in the immediately preceding fiscal year; and

''(II) the total amount of funds received by all entities described in clause (i) in the State under those sections in that fiscal year.

''(iii) USE OF AMOUNTS BY STATE.—The portion of funds that the State distributes to itself pursuant to clause (ii), as a result of the receipt of funds directly from the Secretary under section 5311 in the immediately preceding fiscal year, may be used by the State only in areas and for purposes that are eligible under section 5311.

''(6) TREATMENT OF CERTAIN AMOUNTS.—For purposes of sections 5323(a)(1)(D) and 5333(b), amounts distributed to a State under this subsection that are, in turn, awarded by the Secretary—

''(A) under section 5311, if the subgrantee does not serve an urbanized area; and

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

ROBB AMENDMENT NO. 1748

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following:

TITLE ____—REGIONAL TRANSPORTATION IMPROVEMENT

Subtitle A—Metropolitan Washington Regional Transportation

SEC. ____001. SHORT TITLE.

This subtitle may be cited as the ''Metropolitan Washington Regional Transportation Act''.

SEC. ____002. FINDINGS.

Congress finds that—

(1) congestion is a serious problem in the metropolitan Washington region, as evidenced by recent studies that have found that only the city of Los Angeles is more congested and that congestion costs each man, woman, and child in the region more than $800 per year in lost time, wasted fuel, and environmental damage;

(2) in the past, regional leaders have successfully worked together to address important transportation needs, through such institutions as the Metropolitan Washington Airports Authority, the Washington Metropolitan Area Transit Authority, and the National Capital Region Transportation Planning Board at the Metropolitan Washington Council of Governments;

(3) even greater regional cooperation is needed to prevent congestion in the metropolitan Washington region from worsening, in light of predictions that, for the period of 1990 through 2020, there will be a 43 percent increase in population, a 43 percent increase in employment, and a 79 percent increase in vehicle miles traveled, in the region;

(4) while transportation needs will grow significantly over the next decades, spending is expected to fall short of transportation needs by more than $500,000,000 per year, even with expected increases in Federal and State spending;

(5) none of the existing metropolitan-wide transportation agencies within the metropolitan Washington region have the necessary powers, authorities, and resources to meet the current and future transportation needs of the region;

(6) the failure to meet the transportation needs of the metropolitan Washington region will undermine the quality of life of the residents of the region, degrade the natural environment, and adversely affect the ability of Federal agencies and private sector businesses to operate effectively and efficiently;

(7) the transportation challenges faced by the metropolitan Washington region are unique and deserve the attention of Congress because of the presence of the Federal Government within the region and because of the intersection of 3 jurisdictions, consisting of 2 States and the District of Columbia, within a single metropolitan area;

(8) the National Capital Region Transportation Planning Board at the Metropolitan Washington Council of Governments, the designated metropolitan planning organization for planning and programming Federal

transit and highway funds provided to the metropolitan Washington region, is updating the long-range plan for the region to meet transportation needs in the coming decades; and

(9) with Federal assistance, the Board can more effectively promote regional agreement on how to finance and implement its long-range plan to meet the transportation needs of the metropolitan Washington region.

SEC. ___003. PURPOSES.

The purposes of this subtitle are—

(1) to assist the Board in developing a means to finance and implement its long-range plan;

(2) to establish a corporation to provide short-term funding and implementation of the long-range plan;

(3) to empower the Board to consult with the metropolitan Washington region jurisdictions and the public to achieve consensus on long-range financing and implementation of the long-range plan; and

(4) to grant consent to the metropolitan Washington region jurisdictions to enter into an interstate compact or agreement to facilitate action on regional transportation needs.

SEC. ___004. DEFINITIONS.

In this subtitle:

(1) BOARD.—The term ''Board'' means the National Capital Region Transportation Planning Board at the Metropolitan Washington Council of Governments.

(2) CORPORATION.—The term ''Corporation'' means the Metropolitan Washington Regional Transportation Corporation established by section ___006(b).

(3) METROPOLITAN WASHINGTON REGION; REGION.—The term ''metropolitan Washington region'' or ''region'' means the area that is—

(A) located in the area including and surrounding Washington, District of Columbia; and

(B) under the jurisdiction of the members of the Board.

(4) METROPOLITAN WASHINGTON REGION JURISDICTION.—The term ''metropolitan Washington region jurisdiction'' means a jurisdiction represented by a member of the Board.

(5) SIGNATORY.—The term ''Signatory'' means a metropolitan Washington region jurisdiction that enters into an interstate agreement or compact under section ___006(c).

SEC. ___005. DUTIES OF THE BOARD.

(a) DUTIES.—

(1) IN GENERAL.—The Board shall—

(A)(i) propose regional funding mechanisms to finance and implement its long-range plan;

(ii) update its long-range plan to reflect additional revenue provided by the regional funding mechanisms;

(iii) manage the Corporation; and

(iv) propose an interstate compact or agreement, including a list of regional transportation projects and a means of funding and implementation of the projects;

(B) provide notice and opportunity for comment on its efforts under this title by metropolitan Washington region jurisdictions and the public;

(C) conduct outreach and education activities to promote public participation;

(D) promote cooperative action by metropolitan Washington region jurisdictions on regional transportation issues; and

(E) assist metropolitan Washington region jurisdictions in developing an interstate compact or agreement to better meet regional transportation needs.

(2) LIMITATIONS.—The Board shall not have the power to—

(A) impose a tax; or

(B) preempt any Federal, State, or local law (including a regulation).

(b) BOARD SUPPORT.—The Board may use staff of the Board and employ such additional personnel and agents as are necessary to carry out this subtitle, including public outreach staff to meet the public participation requirements of titles 23 and 49, United States Code.

(c) TIMETABLE.—The Board shall—

(1) develop and publish a first draft proposal for regional funding mechanisms and means to implement its long-range plan not later than 210 days after the date of enactment of this Act;

(2) provide an opportunity for public comment on the first draft proposal during the period beginning on the date of publication of the first draft proposal and ending not earlier than 90 days after that date; and

(3) develop and publish a final proposal not later than August 1, 2000, and provide an opportunity for ratification of the final proposal by metropolitan Washington region jurisdictions.

(d) PLANNING PROCESS.—In carrying out this subtitle, the Board shall—

(1) comply with the planning requirements of titles 23 and 49, United States Code; and

(2)(A) ensure that the public has a full opportunity to participate in the planning process; and

(B) work with citizen advisory committees representing all points of view, including business, environmental, transportation, senior citizens, and neighborhood associations.

SEC. ___006. IMPLEMENTATION OF LONG-RANGE PLAN FOR THE METROPOLITAN WASHINGTON REGION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1)(A) the transportation needs of the metropolitan Washington region are urgent; and

(B) delay in responding to the needs may increase congestion, reduce the quality of life, degrade the natural environment, and hinder economic development in the region;

(2) Congress can assist the region in meeting transportation needs by establishing a Metropolitan Washington Regional Transportation Corporation with the power to begin the initial financing and implementation of the long-range plan of the Board;

(3) Congress can assist the region in meeting transportation needs by providing expedited congressional approval of an interstate compact or agreement on financing and implementation of the long-range plan of the Board; and

(4) the Board and the metropolitan Washington region jurisdictions should consider the full range of options for such an interstate compact or agreement, including establishment of—

(A) an independent authority with the power to issue bonds and levy fees;

(B) an intergovernmental authority with revenue from government contributions; and

(C) an intergovernmental authority with the power to manage regional revenues collected through 1 or more regional funding mechanisms.

(b) METROPOLITAN WASHINGTON REGIONAL TRANSPORTATION CORPORATION.—

(1) ESTABLISHMENT.—There is established the Metropolitan Washington Regional Transportation Corporation.

(2) GENERAL POWERS.—

(A) IN GENERAL.—The Corporation shall be a body corporate and politic, and an instrumentality of the Board, having the powers and jurisdiction described in this subtitle and such additional powers as are conferred on the Corporation by the Board, to the extent that the additional powers are consistent with this subtitle.

(B) ADMINISTRATION.—The Corporation shall be governed in accordance with this subtitle and shall be subject to such other provisions as the Board determines appropriate.

(3) GENERAL LIMITATIONS.—Except as otherwise specifically provided in this subtitle, the Corporation shall not have the power to—

(A) impose a tax; or

(B) preempt any Federal, State, or local law (including a regulation).

(4) DUTIES.—The Corporation shall manage the initial funding and implementation of the long-range plan updated by the Board under section ___005(a).

(5) PUBLIC ACCOUNTABILITY.—

(A) PUBLIC NOTICE AND PARTICIPATION.—The Corporation shall be subject to the requirements of chapter 5 of title 5, United States Code, concerning public notice of, and participation at, all meetings of the Corporation.

(B) FREEDOM OF INFORMATION ACT.—The Corporation shall be considered to be an agency for the purpose of compliance with requests under section 552 of title 5, United States Code.

(6) POWERS.—The Corporation shall have the power—

(A) to acquire personal and real property (including land lying under water and riparian rights), or any easement or other interest in real property, by purchase, lease, gift, transfer, or exchange;

(B) to apply for and accept any property, material, service, payment, appropriation, grant, gift, loan, advance, or other fund that is transferred or made available to the Corporation by the Federal Government or by any other public or private entity or individual;

(C) to borrow money on a short-term basis and issue notes of the Corporation for the borrowing payable on such terms and conditions as the Corporation considers advisable, and to issue long-term or short-term bonds in the discretion of the Corporation for any purpose consistent with this subtitle, which notes and bonds—

(i) shall not constitute—

(I) a debt of the United States (or any political subdivision of the United States); or

(II) a general obligation of a metropolitan Washington region jurisdiction (or any political subdivision of a metropolitan Washington region jurisdiction), unless consented to by the jurisdiction (or political subdivision); and

(ii) may be secured solely by the general revenues of the Corporation or by other revenues in the discretion of the Corporation;

(D) to fix or revise any reasonable toll, sales tax, or other charge, subject to the consent of the Signatories;

(E) to permit single-occupancy vehicles to travel on high-occupancy lanes in the region upon payment of a toll, if—

(i) the toll can be implemented in a way that does not reduce the volume of traffic; and

(ii) the Board consents to use the toll revenues for regional transportation projects;

(F) to enter into any contract or agreement necessary or appropriate to the performance of the duties of the Corporation;

(G) to enter into partnerships or grant concessions between the public and private sectors for the purpose of—

(i) financing, constructing, maintaining, improving, or operating regional transportation facilities in the metropolitan Washington region; or

(ii) fostering development of a new transportation technology;

(H) to obtain any necessary Federal authorization, permit, or approval for the construction, repair, maintenance, or operation of regional transportation facilities in the metropolitan Washington region;

(I) to adopt an official seal and alter the seal, as the Corporation considers appropriate;

(J) to appoint 1 or more advisory committees;

(K) to sue and be sued in the name of the Corporation;

(L) to carry out or contract with other entities to carry out such maintenance of traffic activities during construction of regional transportation facilities in the metropolitan Washington region as are considered to be necessary by the Corporation to properly manage traffic and minimize congestion, such as public information campaigns, improvements designed to encourage appropriate use of alternative routes, use of high occupancy vehicles and transit services, and deployment and operation of intelligent transportation system technologies; and

(M) to carry out any activity necessary or appropriate to the exercise of the powers or performance of the duties of the Corporation under this subtitle and under any interstate compact or agreement relating to the Corporation that is consistent with this subtitle, if the activity is coordinated and consistent with the transportation planning process implemented by the metropolitan planning organization for the metropolitan Washington region under section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

(c) INTERSTATE COMPACT OR AGREEMENT.—

(1) IN GENERAL.—Subject to paragraph (2), 1 or more of the metropolitan Washington region jurisdictions may enter into an interstate compact or agreement to finance and implement the long-range plan of the Board, if consent is granted by—

(A) the department of transportation of each State that enters into the compact or agreement; and

(B) if the District of Columbia enters into the compact or agreement, the Department of Public Works of the District of Columbia.

(2) REQUIREMENTS.—The interstate compact or agreement shall—

(A) include a list of regional transportation projects and a regional funding mechanism to fund the projects; and

(B) include a time limit of not more than 1 year for approval by the metropolitan Washington region jurisdictions.

(3) EXPEDITED APPROVAL.—An interstate compact or agreement described in paragraph (1) shall be deemed to have the consent of Congress unless Congress enacts a law denying consent to the compact or agreement within 60 days after the date of approval of the compact or agreement by the Signatories.

SEC. ___007. MAINTENANCE OF FUNDING AND EFFORT.

The funding provided under any regional transportation program developed under this subtitle shall supplement (and not supplant) other Federal, State, and local transportation funding for the metropolitan Washington region jurisdictions. In using funds provided under this subtitle, a metropolitan Washington region jurisdiction shall maintain the expenditures of the jurisdiction for transportation in the metropolitan Washington region, at a level equal to not less than the level of the expenditures maintained by the jurisdiction for the fiscal year preceding the fiscal year for which the funds are received.

SEC. ___008. REPORTS.

The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) not later than 1 year after the date of enactment of this Act, an interim report on the progress of the Board in developing cooperative transportation plans and regional funding mechanisms to meet transportation needs in the metropolitan Washington region; and

(2) not later than 3 years after the date of enactment of this Act, a final report on the results of the actions of the Board in developing cooperative transportation plans and regional funding mechanisms to meet transportation needs in the metropolitan Washington region.

SEC. ___009. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $300,000 for each of fiscal years 1998 through 2000, of which not less than—

(1) $100,000 shall be used by the Board for salaries and administrative expenses of experts in financing and developing interstate compacts or agreements; and

(2) $200,000 shall be used by the Board to support a collaborative planning process, to disseminate information to the public, and to pay the salaries and administrative expenses of public outreach staff.

Subtitle B—Regional Transportation Improvement Grants and Assistance

SEC. ___101. FINDINGS.

Congress finds that—

(1) the process of developing interstate agreements on transportation planning and funding is difficult and costly and hinders regional cooperation;

(2) the lack of regional action to meet transportation needs is harmful to the long-term growth of regional economies and to the United States as a whole; and

(3) Federal incentives can promote regional cooperation to address transportation needs across the United States.

SEC. ___103. TIFIA ASSISTANCE FOR REGIONAL PROJECTS DEVELOPED BY MULTISTATE METROPOLITAN PLANNING ORGANIZATIONS.

Notwithstanding any other provision of law, an eligible project selected under section ___102 shall be eligible for financial assistance provided under the Transportation Infrastructure Finance and Innovation Act of 1997, including loans, loan guarantees, and lines of credit.

TORRICELLI AMENDMENTS NOS. 1749–1750

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1749

On page 223, strike lines 4 through 18 and insert the following:

(1) in subsection (a)—

(A) by striking ''(a) Each'' and inserting the following:

''(a) IN GENERAL.—

''(1) PROGRAM.—Each'';

(B) by inserting '', bicyclists,'' after ''motorists''; and

(C) by adding at the end the following:

''(2) HAZARDS.—In carrying out paragraph (1), a State may—

''(A) identify through a survey hazards to motorists, users of public transportation, bicyclists, pedestrians, and individuals who live or work near transportation facilities; and

''(B) develop and implement projects and programs to address the hazards.'';

(2) in subsection (b), by striking ''highway safety improvement project'' and inserting ''safety improvement project, including a project described in subsection (a)'';

(3) in subsection (c), by striking ''on any public road (other than a highway on the Interstate System).'' and inserting the following: ''on—

''(1) any public road;

''(2) any public transportation vehicle or facility, any publicly owned bicycle or pedestrian pathway or trail, or any other facility that the Secretary determines to be appropriate; or

''(3) any traffic calming measure.'';

(4) by redesignating subsection (h) as subsection (i); and

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

''(h) CONSULTATION.—Funds made available under subsection (e) shall be obligated only after consultation with county and local transportation entities.''.

AMENDMENT NO. 1750

At the appropriate place, insert the following:

SEC. ___. NATIONAL ESTUARY PROGRAM.

(a) GRANTS.—Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) PURPOSES.—Grants under this subsection shall be made to pay for assisting activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

''(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

''(A) shall not exceed—

''(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

''(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

''(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking ''$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991'' and inserting ''$50,000,000 for each of fiscal years 1999 through 2004''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1998.

BAUCUS AMENDMENT NO. 1751

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, as follows:

On page 159, between lines 6 and 7, insert the following:

(d) DEFINITION OF TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining ''transportation enhancement activities''—

(1) by striking ''scenic or historic highway programs,'' and inserting ''scenic or historic highway programs (including the provision of tourist and welcome center facilities),''

CAMPBELL (AND OTHERS) AMENDMENTS NO. 1752

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Mrs. MOSELEY-BRAUN, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE 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.

COVERDELL AMENDMENT NO. 1753

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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

SEC. 18___. FOOD SIGNS.

(a) IN GENERAL—Beginning on the day after the date of enactment of this Act, a food business that operates 6 days a week may display a mainline business logo on a FOOD sign described in section 2G–5.7(4) of part IIG of the 1988 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, if the food business—

(1) purchases and has installed under the mainline business logo on the FOOD sign a sign that meets the requirements of subsection (b); and

(2) meets the applicable requirements for displaying a FOOD sign contained in that manual, other than the requirement relating to the number of days of operation.

(b) REQUIREMENTS FOR SIGN POSITIONED UNDER THE MAINLINE BUSINESS LOGO OF A FOOD SIGN.—A sign positioned under a mainline business logo referred to in subsection (a) meets the requirements of this subsection if that sign—

(1) has a blue background;

(2) has a 6-inch white legend and white border; and

(3) indicates the day of the week on which the food business is closed.

DOMENICI AMENDMENTS NOS. 1754–1756

(Ordered to lie on the table.)

Mr. DOMENICI submitted three amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1754

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) COMMERCIAL ZONE DEFINED.—In this section, the term ''commercial zone'' means a zone containing lands adjacent to, and commercially a part of, 1 or more municipalities with respect to which the exception described in section 13506(b)(1) of title 49, United States Code, applies.

(b) DESIGNATION OF ZONE.—

(1) IN GENERAL.—The area described in paragraph (2) is designated as a commercial zone, to be known as the ''New Mexico Commercial Zone''.

(2) DESCRIPTION OF AREA.—The area described in this paragraph is the area that is comprised of Dona Ana County and Luna County in New Mexico.

(c) SAVINGS PROVISION.—Nothing in this section shall affect any action commenced or pending before the Secretary of Transportation or Surface Transportation Board before the date of enactment of this Act.

AMENDMENT NO. 1755

On page 385, line 13, strike ''and'' after the semicolon.

On page 385, line 17, strike the period and insert a semicolon.

On page 385, between lines 17 and 18, insert the following:

''(15) to promote the deployment of new intelligent transportation system technologies at international ports of entry into the United States to detect and deter illegal narcotic smuggling; and

''(16) to promote the deployment of intelligent transportation systems to expedite the movement of commercial cargo through international ports of entry into the United States.

AMENDMENT NO. 1756

On page 320, strike lines 11 and 12 and insert the following:

''(I) surface transportation safety;

''(J) infrastructure finance studies; or

''(K) development and testing of innovative technologies for bridge construction and nondestructive evaluation.

DOMENICI (AND OTHERS) AMENDMENT NO. 1757

(Ordered to lie on the table.)

Mr. COVERDELL (for himself, Mr. INOUYE, Mr. BINGAMAN, and Mr. JOHNSON) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. FUNDING FOR INDIAN RURAL TRANSIT PROGRAM.

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

''(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

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

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

''(A) with respect to fiscal years 1998, 1999, and 2000 by the Administrator of the Federal Transit Administration; and

''(B) with respect to each fiscal year thereafter, in accordance with a formula, which shall be established by the Secretary, in consultation with Indian tribes, not later than October 1, 2000.''.

HUTCHINSON AMENDMENT NO. 1758

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 110, strike lines 22 and 23 and insert the following:

''(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

''(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), $5,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

''(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

''(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

''(ii) for the State, the ratio that—

''(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

''(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003;

is less than 1.00, as of the date of enactment of this subsection; and

''(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

''(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

''(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

''(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under''.

ROTH AMENDMENT NO. 1759

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill add the following:

TITLE ___—REVENUE

SEC. __001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''Intermodal Surface Transportation Revenue Act of 1998''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. __002. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES AND EXEMPTIONS.—

(1) The following provisions are each amended by striking ''1999'' each place it appears and inserting ''2005'':

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4071(d) (relating to termination).

(F) Section 4081(d)(1) (relating to termination).

(G) Section 4221(a) (relating to certain tax-free sales).

(H) Section 4481(e) (relating to period tax in effect).

(I) Section 4482(c)(4) (relating to taxable period).

(J) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(K) Section 4483(g) (relating to termination of exemptions).

(L) Section 6156(e)(2) (relating to section inapplicable to certain liabilities).

(M) Section 6412(a) (relating to floor stocks refunds).

(2) The following provisions are each amended by striking ''2000'' each place it appears and inserting ''2007'':

(A) Section 4041(b)(2)(C) (relating to termination).

(B) Section 4041(k)(3) (relating to termination).

(C) Section 4081(c)(8) (relating to termination).

(D) Section 4091(c)(5) (relating to termination).

(3) Section 6412(a) (relating to floor stocks refunds) is amended by striking ''2000'' each place it appears and inserting ''2006''.

(4) Section 6427(f)(4) (relating to termination) is amended by striking ''1999'' and inserting ''2007''.

(5) Section 40(e)(1) (relating to termination) is amended—

(A) by striking ''December 31, 2000'' and inserting ''December 31, 2007'', and

(B) by striking subparagraph (B) and inserting the following:

''(B) of any fuel for any period before January 1, 2008, during which the rate of tax under section 4081(a)(2)(A) is 4.3 cents per gallon.''.

(6) Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are amended in the effective period column by striking ''10/1/2000'' each place it appears and inserting ''10/1/2007''.

(b) EXTENSION AND MODIFICATION OF HIGHWAY TRUST FUND.—

(1) EXTENSION.—Section 9503 (relating to Highway Trust Fund) is amended—

(A) in subsection (b)—

(i) in paragraph (1), as amended by section 1032(e)(13) of the Taxpayer Relief Act of 1997—

(I) by striking ''1999'' and inserting ''2005'',

(II) by striking subparagraph (C),

(III) in subparagraph (D), by striking ''and tread rubber'', and

(IV) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively,

(ii) in paragraph (2), by striking ''1999'' each place it appears and inserting ''2005'' and by striking ''2000'' and inserting ''2006'',

(iii) in the heading of paragraph (2), by striking ''OCTOBER 1, 1999'' and inserting ''OCTOBER 1, 2005'', and

(iv) in subparagraphs (E) and (F) of paragraph (4), as amended by section 901(a) of the Taxpayer Relief Act of 1997, by striking ''1999'' and inserting ''2005'', and

(B) in subsection (c), as amended by section 9(a)(1) of the Surface Transportation Extension Act of 1997—

(i) in paragraph (1)—

(I) by striking ''1998'' and inserting ''2003'',

(II) in subparagraph (C), by striking ''or'' at the end,

(III) in subparagraph (D), by striking ''1991.'' and inserting ''1991, or'',

(IV) by inserting after subparagraph (D) the following:

''(E) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Efficiency Act of 1998.'', and

(V) by striking the last sentence and inserting the following:

''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 the Intermodal Surface Transportation Efficiency Act of 1998.'',

(ii) in paragraph (2)(A)(i)—

(I) by striking ''2000'' and inserting ''2006'',

(II) in subclause (II), by adding ''and'' at the end,

(III) in subclause (IV), by striking ''1999'' and inserting ''2005'', and

(IV) by striking subclause (III) and redesignating subclause (IV) as subclause (III),

(iii) in paragraph (2)(A), by striking clause (ii) and inserting the following:

''(ii) the credits allowed under section 34 (relating to credit for certain uses of fuel) with respect to fuel used before October 1, 2005.'',

(iv) in paragraph (3)—

(I) by striking ''July 1, 2000'' and inserting ''July 1, 2006'', and

(II) by striking the heading and inserting ''FLOOR STOCKS REFUNDS'',

(v) in paragraph (4)(A)—

(I) in clause (i), by striking ''1998'' and inserting ''2003'', and

(II) in clause (ii), by adding at the end the following new flush sentence:

''In making the determination under subclause (II) for any fiscal year, the Secretary shall not take into account any amount appropriated from the Boat Safety Account in any preceding fiscal year but not distributed.'', and

(vi) in paragraph (5)(A), by striking ''1998'' and inserting ''2003''.

(2) LIMITATION ON EXPENDITURES.—

(A) IN GENERAL.—Section 9503(c) (relating to expenditures from Highway Trust Fund), as amended by subsection (d)(2)(A), is amended by inserting after paragraph (5) the following:

''(6) LIMITATION ON EXPENDITURES FROM HIGHWAY TRUST FUND.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no expenditure shall be made from the Highway Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

''(i) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

''(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

''(B) EXCEPTION FOR PRIOR OBLIGATIONS.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of this section before October 1, 2003.''.

(B) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—Section 9503(b)(4) (relating to certain taxes not transferred to Highway Trust Fund), as amended by subsection (b)(1)(A)(iv), is amended—

(i) in subparagraph (E), by striking ''or'' at the end,

(ii) in subparagraph (F), by striking the period at the end and inserting '', or'', and

(iii) by adding at the end the following:

''(G) any provision described in paragraph (1) on and after the date of any expenditure not permitted by subsection (c)(6).''.

(c) MODIFICATION OF SUBSIDIES FOR ALCOHOL FUELS.—

(1) IN GENERAL.—Subsection (h) of section 40 (relating to alcohol used as fuel) is amended to read as follows:

''(h) REDUCED CREDIT FOR ETHANOL BLENDERS.—

''(1) IN GENERAL.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—

''(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting 'the blender amount' for '60 cents',

''(B) subsection (b)(3) shall be applied by substituting 'the low-proof blender amount' for '45 cents' and 'the blender amount' for '60 cents', and

''(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'the blender amount' for '60 cents' and 'the low-proof blender amount' for '45 cents'.

''(2) AMOUNTS.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

In the case of any sale or use during calendar year:	The blender amount is:	The low-proof blender amount is:
2001 or 2002	53 cents	39.26 cents
2003 or 2004	52 cents	38.52 cents
2005, 2006, or 2007	51 cents	37.78 cents.''

(2) CONFORMING AMENDMENTS.—

(A) Section 4041(b)(2) is amended—

(i) in subparagraph (A)(i), by striking ''5.4 cents'' and inserting ''the applicable blender rate'', and

(ii) by redesignating subparagraph (C), as amended by subsection (a)(2)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:

''(C) APPLICABLE BLENDER RATE.—For purposes of subparagraph (A)(i), the applicable blender rate is—

''(i) except as provided in clause (ii), 5.4 cents, and

''(ii) for sales or uses during calendar years 2001 through 2007, 1/10 of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.''.

(B) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:

''(A) GENERAL RULES.—

''(i) MIXTURES CONTAINING ETHANOL.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

''(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(A)) per gallon,

''(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and

''(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.

''(ii) MIXTURES NOT CONTAINING ETHANOL.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

''(I) in the case of 10 percent gasohol, 6 cents per gallon,

''(II) in the case of 7.7 percent gasohol, 4.62 cents per gallon, and

''(III) in the case of 5.7 percent gasohol, 3.42 cents per gallon.''.

(C) Section 4081(c)(5) is amended by striking ''5.4 cents'' and inserting ''the applicable blender rate (as defined in section 4041(b)(2)(C))''.

(D) Section 4091(c)(1) is amended by striking ''13.4 cents'' each place it appears and inserting ''the applicable blender amount'' and by adding at the end the following: ''For purposes of this paragraph, the term 'applicable blender amount' means 13.3 cents in the case of any sale or use during 2001 or 2002, 13.2 cents in the case of any sale or use during 2003 or 2004, 13.1 cents in the case of any sale or use during 2005, 2006, or 2007, and 13.4 cents in the case of any sale or use during 2008 or thereafter.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2001.

(d) ELIMINATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.—

(1) IN GENERAL.—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 9503(c) is amended by striking paragraph (6).

(B) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

(e) AQUATIC RESOURCES TRUST FUND.—

(1) EXTENSION.—Section 9504(c) (relating to expenditures from Boat Safety Account), as amended by section 9(b) of the Surface Transportation Extension Act of 1997, is amended—

(A) by striking ''1998'' and inserting ''2004'', and

(B) by striking ''1988'' and inserting ''the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998''.

(2) LIMITATION ON EXPENDITURES.—Section 9504 (relating to Aquatic Resources Trust Fund) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

''(d) LIMITATION ON EXPENDITURES FROM TRUST FUND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no expenditure shall be made from the Aquatics Resources Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

''(2) EXCEPTION FOR PRIOR OBLIGATIONS FROM THE BOAT SAFETY ACCOUNT.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of subsection (c) before April 1, 2004.

''(3) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—For purposes of the second sentence of subsection (a)(2), there shall not be taken into account any amount described in subsection (b)(1), section 9503(c)(4), or section 9503(c)(5)(A) on and after the date of any expenditure not permitted by paragraph (1).''.

(3) CONFORMING AMENDMENTS.—Section 9504(b)(2) is amended—

(A) in subparagraph (A), by striking ''October 1, 1988'' and inserting ''the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998'', and

(B) in subparagraph (B), by striking ''November 29, 1990'' and inserting ''the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998''.

SEC. __003. MASS TRANSIT ACCOUNT.

(a) IN GENERAL.—Section 9503(e)(3) (relating to expenditures from Account), as amended by section 9(a)(2) of the Surface Transportation Extension Act of 1997, is amended—

(1) by striking ''1998'' and inserting ''2003'',

(2) in subparagraph (A), by striking ''or'' at the end,

(3) in subparagraph (B), by adding ''or'' at the end, and

(4) by striking all that follows subparagraph (B) and inserting:

''(C) the Intermodal Surface Transportation Efficiency Act of 1998,

as such sections and Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9503(e) is amended to read as follows:

''(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.''.

(c) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 9503(e)(2) is amended by striking the last sentence and inserting the following: ''For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

''(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

''(B) 1.43 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

''(C) 1.86 cents per gallon in the case of liquefied natural gas,

''(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

''(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendment made by section 901(b) of the Taxpayer Relief Act of 1997.

SEC. __004. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE CONSTRUCTION.

(a) TREATMENT AS EXEMPT FACILITY BOND.—A bond described in subsection (b) shall be treated as described in section 141(e)(1)(A) of the Internal Revenue Code of 1986, except that—

(1) section 146 of such Code shall not apply to such bond, and

(2) section 147(c)(1) of such Code shall be applied by substituting ''any portion of'' for ''25 percent or more''.

(b) BOND DESCRIBED.—

(1) IN GENERAL.—A bond is described in this subsection if such bond is issued after the date of the enactment of this Act as part of an issue—

(A) 95 percent or more of the net proceeds of which are to be used to provide a qualified highway infrastructure project, and

(B) to which there has been allocated a portion of the allocation to the project under paragraph (2)(C)(ii) which is equal to the aggregate face amount of bonds to be issued as part of such issue.

(2) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

(A) IN GENERAL.—For purposes of paragraph (1), the term ''qualified highway infrastructure project'' means a project—

(i) for the construction or reconstruction of a highway, and

(ii) designated under subparagraph (B) as an eligible pilot project.

(B) ELIGIBLE PILOT PROJECT.—

(i) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall select not more than 15 highway infrastructure projects to be pilot projects eligible for tax-exempt financing.

(ii) ELIGIBILITY CRITERIA.—In determining the criteria necessary for the eligibility of pilot projects, the Secretary of Transportation shall include the following:

(I) The project must serve the general public.

(II) The project is necessary to evaluate the potential of the private sector's participation in the provision of the highway infrastructure of the United States.

(III) The project must be located on publicly-owned rights-of-way.

(IV) The project must be publicly owned or the ownership of the highway constructed or reconstructed under the project must revert to the public.

(V) The project must be consistent with a transportation plan developed pursuant to section 134(g) or 135(e) of title 23, United States Code.

(C) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

(i) IN GENERAL.—The aggregate face amount of bonds issued pursuant to this section shall not exceed $15,000,000,000, determined without regard to any bond the proceeds of which are used exclusively to refund (other than to advance refund) a bond issued pursuant to this section (or a bond which is a part of a series of refundings of a bond so issued) if the amount of the refunding bond does not exceed the outstanding amount of the refunded bond.

(ii) ALLOCATION.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall allocate the amount described in clause (i) among the eligible pilot projects designated under subparagraph (B).

(iii) REALLOCATION.—If any portion of an allocation under clause (ii) is unused on the date which is 3 years after such allocation, the Secretary of Transportation, in consultation with the Secretary of the Treasury, may reallocate such portion among the remaining eligible pilot projects.

(c) REPORT.—

(1) IN GENERAL.—Not later than the earlier of—

(A) 1 year after either ½ of the projects authorized under this section have been identified or ½ of the total bonds allowable for the projects under this section have been issued, or

(B) 7 years after the date of the enactment of this Act,

the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall submit the report described in paragraph (2) to the Committees on Finance and on Environment and Public Works of the Senate and the Committees on Ways and Means and on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall evaluate the overall success of the program conducted pursuant to this section, including—

(A) a description of each project under the program,

(B) the extent to which the projects used new technologies, construction techniques, or innovative cost controls that resulted in savings in building the project, and

(C) the use and efficiency of the Federal tax subsidy provided by the bond financing.

SEC. __005. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL FUEL.

(a) IN GENERAL.—Section 4041(a)(1)(C)(ii) (relating to rate of tax on trains) is amended—

(1) in subclause (II), by striking ''October 1, 1999'' and inserting ''March 1, 1999'', and

(2) in subclause (III), by striking ''September 30, 1999'' and inserting ''February 28, 1999''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

(A) in clause (ii), by striking ''October 1, 1999'' and inserting ''March 1, 1999'', and

(B) in clause (iii), by striking ''September 30, 1999'' and inserting ''February 28, 1999''.

(2) Section 6427(l)(3)(B) is amended—

(A) in clause (ii), by striking ''October 1, 1999'' and inserting ''March 1, 1999'', and

(B) in clause (iii), by striking ''September 30, 1999'' and inserting ''February 28, 1999''.

SEC. __006. ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE QUALIFIED TRANSPORTATION FRINGE BENEFITS.

(a) NO CONSTRUCTIVE RECEIPT.—

(1) IN GENERAL.— Paragraph (4) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

''(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of an employee solely because the employee may choose between any qualified transportation fringe and compensation which would otherwise be includible in gross income of such employee.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) INCREASE IN MAXIMUM EXCLUSION FOR EMPLOYER-PROVIDED TRANSIT PASSES.—

(1) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking ''$60'' and inserting ''$100''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2001.

(c) NO INFLATION ADJUSTMENT FOR 1999.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

''(6) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amounts contained in subparagraphs (A) and (B) of paragraph (2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

If any increase determined under the preceding sentence is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.''.

(2) CONFORMING AMENDMENT.—Section 132(f)(2)(B) is amended by striking ''$155'' and inserting ''$175''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1998.

(d) CONFORMING INFLATION ADJUSTMENT.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

''(6) INFLATION ADJUSTMENT.—

''(A) ADJUSTMENT TO QUALIFIED PARKING LIMITATION.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amount contained in paragraph (2)(B) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

''(B) ADJUSTMENT TO OTHER QUALIFIED TRANSPORTATION FRINGES LIMITATION.—In the case of any taxable year beginning in a calendar year after 2002, the dollar amount contained in paragraph (2)(A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2001' for 'calendar year 1992'.

''(c) ROUNDING.—If any increase determined under subparagraph (A) or (B) is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2002.

SEC. __007. TAX TREATMENT OF CERTAIN FEDERAL PARTICIPATION PAYMENTS.

For purposes of the Internal Revenue Code of 1986, with respect to any Federal participation payment to a taxpayer in any taxable year made under section 149(e) of title 23, United States Code, as added by section 1502, to the extent such payment is not subject to tax under such Code for the taxable year—

(1) no credit or deduction (other than a deduction with respect to any interest on a loan) shall be allowed to the taxpayer with respect to any property placed in service or other expenditure that is directly or indirectly attributable to the payment, and

(2) the basis of any such property shall be reduced by the portion of the cost of the property that is attributable to the payment.

SEC. __008. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Subsection (f) of section 1032 of the Taxpayer Relief Act of 1997 is amended to read as follows:

''(f) EFFECTIVE DATES.—

''(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1998.

''(2) The amendment made by subsection (d) shall take effect on July 1, 2000.''.

TORRICELLI AMENDMENT NO. 1760

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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

SEC. 34___. MOTOR CARRIER SAFETY PERMITS.

Section 5109 of title 49, United States Code, is amended—

(1) in subsection (c), by inserting ''annual'' before ''application with'';

(2) in subsection (e)(2), by striking ''duration, terms,'' and inserting ''terms'';

(3) by redesignating subsection (h) as subsection (i); and

(4) by inserting after subsection (g) the following:

''(h) DURATION.—A safety permit issued under this section shall be effective for a period of 1 year.''.

TORRICELLI AMENDMENT NO. 1761

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following:

TITLE ____—QUIET COMMUNITIES

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Quiet Communities Act of 1998''.

SEC. ___02. FINDINGS.

Congress finds that—

(1)(A) for too many citizens of the United States, noise from aircraft, vehicular traffic, and a variety of other sources is a constant source of torment; and

(B) nearly 20,000,000 citizens of the United States are exposed to noise levels that can lead to psychological and physiological damage, and another 40,000,000 people are exposed to noise levels that cause sleep or work disruption;

(2)(A) chronic exposure to noise has been linked to increased risk of cardiovascular problems, strokes, and nervous disorders; and

(B) excessive noise causes sleep deprivation and task interruptions, which pose untold costs on society in diminished worker productivity;

(3)(A) to carry out the Clean Air Act of 1970 (42 U.S.C. 7401 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), and the Quiet Communities Act of 1978 (Public Law 95–609; 92 Stat. 3079), the Administrator of the Environmental Protection Agency established an Office of Noise Abatement and Control;

(B) the responsibilities of the Office of Noise Abatement and Control included promulgating noise emission standards, requiring product labeling, facilitating the development of low emission products, coordinating Federal noise reduction programs, assisting State and local abatement efforts, and promoting noise education and research; and

(C) funding for the Office of Noise Abatement and Control was terminated in 1982 and no funds have been provided since;

(4) because the Administrator of the Environmental Protection Agency remains responsible for enforcing regulations issued under the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.) even though funding for the Office of Noise Abatement and Control has been terminated, and because that Act prohibits State and local governments from regulating noise sources in many situations, noise abatement programs across the United States lie dormant;

(5) as the population grows and air and vehicle traffic continues to increase, noise pollution is likely to become an even greater problem in the future; and

(6) the health and welfare of the citizens of the United States demands that the Environmental Protection Agency once again assume a role in combating noise pollution.

SEC. ___03. REESTABLISHMENT OF OFFICE OF NOISE ABATEMENT AND CONTROL.

(a) REESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall reestablish an Office of Noise Abatement and Control (referred to in this title as the ''Office'').

(2) RESPONSIBILITIES.—The Office shall be responsible for—

(A) coordinating Federal noise abatement activities;

(B) updating or developing noise standards;

(C) providing technical assistance to local communities; and

(D) promoting research and education on the impacts of noise pollution.

(3) EMPHASIZED APPROACHES.—The Office shall emphasize noise abatement approaches that rely on State and local activity, market incentives, and coordination with other public and private agencies.

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit a study on airport

noise to Congress and the Federal Aviation Administration.

(2) AREAS OF STUDY.—The study shall—

(A) examine the Federal Aviation Administration's selection of noise measurement methodologies;

(B) the threshold of noise at which health impacts are felt; and

(C) the effectiveness of noise abatement programs at airports around the United States.

(3) RECOMMENDATIONS.—The study shall include specific recommendations to the Federal Aviation Administration on new measures that should be implemented to mitigate the impact of aircraft noise on surrounding communities.

SEC. ___04. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $5,000,000 for each of fiscal years 1999 through 2001; and

(2) $8,000,000 for each of fiscal years 2002 and 2003.

MCCAIN AMENDMENT NO. 1762

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Strike ''Section 3103, Authorization of Appropriations'' and insert in its place the following:

''SEC. 3103. AUTHORIZATIONS OF APPROPRIATIONS.

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, Untied States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (l) and (m) of that section—

(i) $166,700,000 for fiscal year 1998;
(ii) $166,700,000 for fiscal year 1999;
(iii) $166,700,000 for fiscal year 2000;
(iv) $166,700,000 for fiscal year 2001;
(v) $166,700,000 for fiscal year 2002; and
(vi) $171,034,000 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) $44,000,000 for fiscal year 1998;
(ii) $39,000,000 for fiscal year 1999;
(iii) $39,000,000 for fiscal year 2000;
(iv) $39,000,000 for fiscal year 2001;
(v) $49,000,000 for fiscal year 2002; and
(vi) $50,170,000 for fiscal year 2003.

Amounts made available to carry out section 402(l) of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 402(l) of section 402 of title 23, United States Code, to subsections (m) and (n) of section 402 and of section 410 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) $20,000,000 for fiscal year 1998;
(ii) $20,000,000 for fiscal year 1999;
(iii) $20,000,000 for fiscal year 2000;
(iv) $20,000,000 for fiscal year 2001;
(v) $22,000,000 for fiscal year 2002; and
(vi) $22,312,000 for fiscal year 2003.

Amounts made available to carry out section 410 of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 410 of title 23, United States Code, 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.

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

(i) $12,000,000 for fiscal year 1998;
(ii) $12,000,000 for fiscal year 1999;
(iii) $12,000,000 for fiscal year 2000; and
(iv) $12,000,000 for fiscal year 2001.

Amounts made available to carry out section 402(m) of title 23, United States Code, are authorized to remain available until expended.

(E) To carry out the drugged driving countermeasures incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration, $5,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and $5,130,000 for fiscal year 2003. Amounts made available to carry out subsection (n) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (n) to subsection (l) and (m) of section 402 and of section 410 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 RESEARCH AND DEVELOPMENT.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for highway safety research and development under section 403 of title 23, United States Code, there are authorized to be appropriated $73,100,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 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—

(A) $2,300,000 for fiscal year 1998;
(B) $2,300,000 for fiscal year 1999;
(C) $2,300,000 for fiscal year 2000;
(D) $2,300,000 for fiscal year 2001;
(E) $2,300,000 for fiscal year 2002; and
(F) $2,360,000 for fiscal year 2003.''.

ENZI (AND THOMAS) AMENDMENT NO. 1763

(Ordered to lie on the table.)

Mr. ENZI (for himself and Mr. THOMAS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert:

SEC. 6016. FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.

(a) STUDIES.—The Administrator of the Federal Highway Administration (hereinafter in this section referred to as the ''Administrator'') shall conduct studies of the fundamental chemical property and physical property of petroleum asphalts and modified asphalts used in highway construction in the United States. Such studies shall emphasize predicting pavement performance from the fundamental and rapidly measurable properties of asphalts and modified asphalts. The administrator shall conduct studies that further emphasize development of methods that address performance variables that are not part of the current superpave binder specification.

(b) CONTRACTS.—To carry out the studies under subsection (a), the Administrator shall enter into contracts with the Western Research Institute of the University of Wyoming in order to conduct the necessary technical and analytical research in coordination with existing programs which evaluate actual performance of asphalts and modified asphalts in roadways, including the Strategic Highway Research Program.

(c) ACTIVITIES OF STUDIES.—The studies under subsection (a) shall include the following activities:

(1) Fundamental composition studies.

(2) Fundamental physical and rheological property studies.

(3) Asphalt-aggregate interaction studies.

(4) Coordination of composition studies, physical and rheological property studies, and asphalt-aggregate interaction studies for the purposes of predicting pavement performance, including refinements of Strategic Highway Research Program specifications.

(5) Asphalt-water interaction studies.

(6) Asphalt-aggregate thin film behavior.

(d) TEST STRIP.—

(1) IMPLEMENTATION.—The Administrator, in coordination with the Western Research Institute of the University of Wyoming, shall implement a test strip for the purpose of demonstrating and evaluating the unique energy and environmental advantages of using shale oil modified asphalts under extreme climatic conditions. In implementing this project, the Administrator shall continue necessary monitoring of the performance of the test strip.

(2) REPORT TO CONGRESS.—Not later than November 30, 2003, the Administrator shall transmit to Congress as part of a report under subsection (e) the Administrator's findings on activities conducted under this subsection, including an evaluation of the test strip implemented under this subsection and recommendations for legislation to establish a national program to support United States transportation and energy security requirements.

(e) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and on or before November 30 of each year beginning thereafter, the Administrator shall transmit to Congress a report of the progress made in implementing this Section.

(f) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title at least $3,000,000 for each of fiscal years 1998 through 2003 to carry out subsection (b).

INHOFE AMENDMENTS NOS. 1764–1765

(Ordered to lie on the table.)

Mr. INHOFE submitted two amendments intended to be proposed by him

to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1764

At the appropriate place, insert the following:

SEC. ___. ALLOCATION OF MASS TRANSIT ACCOUNT FUNDS.

(a) MINIMUM ALLOCATION.—The Secretary of Transportation shall take such actions as may be necessary to ensure that, in each fiscal year, each State's percentage of the total apportionments to all States from the Mass Transit Account of the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986 is not less than 80 percent of the State's estimated tax payment attributable to highway users in the State paid into that Account in the most recent year for which data are available.

(b) APPLICABILITY.—Subsection (a) does not apply to any State whose contribution to the Mass Transit Account of the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986 in the applicable fiscal year is greater than or equal to $50,000,000.

AMENDMENT NO. 1765

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

SEC. 18___. NATURAL GAS FUELING STATIONS.

(a) IN GENERAL.—Notwithstanding section 5323(j) of title 49, United States Code, or any other provision of law, a compressor or dispenser used in a fueling station for vehicles that are powered by compressed natural gas shall be treated as a manufactured good produced in the United States within the meaning of section 5323(j) of title 49, United States Code, if the final substantial transformation into a compressor or dispenser occurs in the United States.

(b) DEFINITIONS.—In this section:

(1) COMPRESSOR OR DISPENSER.—The term ''compressor or dispenser'' includes a compressor, compressor block, dispenser, and disk valve.

(2) SUBSTANTIAL TRANSFORMATION.—The term ''substantial transformation'' means the transformation by manufacturing, processing, or assembly of a compressor or dispenser, with the use of manufactured components, assemblies, or parts produced in the United States, into a compressor or dispenser suitable for use in a fueling station for vehicles powered by compressed natural gas.

(c) EFFECTIVE DATE.—The provisions of this section apply to articles entered, or withdrawn from a warehouse for consumption, on or after October 1, 1998, and before October 1, 2003.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1766

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. LAUTENBERG, Mr. STEVENS, Mr. INOUYE, Mrs. MURRAY, Ms. SNOWE, Mr. KERRY, Mr. FAIRCLOTH, Mr. KENNEDY, and Mr. BREAUX) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by striking ''$14,000,000'' and all that follows through ''fiscal year 1997'' and inserting in lieu thereof ''$50,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.''

SEC. . FERRY AND FERRY TERMINAL LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation may guarantee, or make a commitment to guarantee, the payment of the principal of, and the interest on, an obligation for the construction of ferry boats engaged in the transportation of passengers or passengers and vehicles in the United States or its possessions and of ferry terminal facilities.

(b) APPLICABLE LAWS, ETC.—The requirements for guarantees and commitments under title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) shall apply to the extent reasonable to guarantees or commitments made under this section, except that the Secretary shall by rule provide a simplified application and compliance process for guarantees and commitments under this section.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of carrying out this section $10,000,000 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both federal and state, for providing marine ferry service.

MURKOWSKI (AND OTHERS) AMENDMENTS NOS. 1767–1768

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. INOUYE) submitted two amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1767

At the appropriate place, insert the following:

SEC. . FERRY AND FERRY TERMINAL LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation may guarantee, or make a commitment to guarantee, the payment of the principal of, and the interest on, an obligation for the construction of ferry boats engaged in the transportation of passengers or passengers and vehicles in the United States or its possessions and of ferry terminal facilities.

(b) APPLICABLE LAWS, ETC.—The requirements for guarantees and commitments under title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) shall apply to the extent reasonable to guarantees or commitments made under this section, except that the Secretary shall by rule provide a simplified application and compliance process for guarantees and commitments under this section, which insofar as practicable results in reduced costs to the applicant.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of carrying out this section $10,000,000 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

AMENDMENT NO. 1768

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by striking ''$14,000,000'' and all that follows through ''fiscal year 1997'' and inserting in lieu thereof ''$50,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003''.

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both federal and state, for providing marine ferry service.

MURKOWSKI (AND STEVENS) AMENDMENTS NOS. 1769–1770

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself and Mr. STEVENS) submitted two amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1769

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

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

(b) REDUNDANT METROPOLITAN TRANSPORTATION PLANNING REQUIREMENTS.—

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

2. STREAMLINING.—

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

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

(i) eliminate, within six months of the date of enactment of this section, the major investment study under section 450.318 of title 23, Code of Federal Regulations, as a stand-alone requirement independent of other transportation planning requirements, and integrate those components of the major investment study procedure which are not duplicated elsewhere with other transportation planning requirements, provided that in integrating such requirements, the Secretary shall not apply such requirements to any project which previously would not have been subject to section 450.318 of title 23, Code of Federal Regulations;

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

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

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

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

(3) SAVINGS CLAUSE.—Nothing in this subsection shall effect the responsibility of the Secretary to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under such Act applicable to highway projects.

AMENDMENT NO. 1770

Insert at the end of section 11(e) the following:

(4) DISTRIBUTION OF FUNDS.—

(A) PARKWAYS, PARKS, WILDLIFE REFUGES.—Of the amounts made available under paragraph (1)(B) for parkways and park roads, and public roads to and within the National Wildlife Refuge System, not less than half shall be made available to States in direct proportion to the percentages of lands within the National Park System, and lands within the National Wildlife Refuge System, respectively, within each State.

(B) PUBLIC LANDS.—Of the amounts made available under paragraph (1)(C) for public lands highways, not less than half shall be made available to States in direct proportion to the percentage of all public lands within each State.

McCONNELL AMENDMENTS NOS. 1771–1772

(Ordered to lie on the table.)

Mr. MCCONNELL submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1771

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available by this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) by order of a Federal or State court.

AMENDMENT NO. 1772

On page 79, between lines 13 and 14, insert the following:

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available by this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) by order of a Federal or State court.

(f) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a biennial review of, and publish findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) the annual gross receipts of small business concerns owned and controlled by socially and economically disadvantaged individuals;

(2) the distribution of the sums required to be expended under subsection (a) among such small business concerns;

(3) the net worth of socially and economically disadvantaged individuals that control such small business concerns;

(4) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for such small business concerns; and

(5) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs.

BENNETT (AND HATCH) AMENDMENTS NOS. 1773–1774

(Ordered to lie on the table.)

Mr. BENNETT (for himself and Mr. HATCH) submitted two amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1773

At the appropriate place, insert the following new section:

SEC. ___. OLYMPIC AND PARALYMPIC AIRPORT DEVELOPMENT PROJECTS.

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

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

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

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

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

AMENDMENT NO. 1774

At the appropriate place, insert the following:

SEC. ___. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE; DEFINITIONS.—

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

(2) DEFINITION.—In this section, the term ''Secretary'' means the Secretary of Transportation.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may give priority to funding for a mass transportation project related to an international quadrennial Olympic or Paralympic event occurring in the United States, to carry out 1 or more of sections 5303, 5307, and 5309 of title 49, United States Code, if the project—

(A) in the determination of the Secretary, will meet extraordinary transportation needs associated with an international quadrennial Olympic or Paralympic event; and

(B) is otherwise eligible for assistance under the section at issue.

(2) CONTRACTUAL OBLIGATION.—A grant or a contract for a project described in paragraph (1), approved by the Secretary and funded with amounts made available under this subsection, is a contractual obligation to pay the Government's share of the cost of the project.

(3) NON-FEDERAL SHARE.—For purposes of determining the non-Federal share of a project funded under this subsection, highway and transit projects shall be considered to be a program of projects.

(4) AUTHORIZATION.—There are authorized to be made available from the Mass Transit Account of the Highway Trust Fund such sums as may be necessary to carry out this subsection.

(c) TRANSPORTATION PLANNING ACTIVITIES.—Notwithstanding any other provision of law, the Secretary may participate in—

(1) planning activities of State and metropolitan planning organizations, and project

sponsors, for a transportation project related to an international quadrennial Olympic or Paralympic event under sections 5303 and 5305a of title 49, United States Code; and

(2) developing intermodal transportation plans necessary for transportation projects described in paragraph (1), in coordination with State and local transportation agencies.

(d) TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) GENERAL AUTHORITY.—The Secretary may provide assistance under this section to State and local governments, and an Olympic Organizing Committee responsible for hosting an international quadrennial Olympic or Paralympic event, in carrying out transportation projects related to an international quadrennial Olympic or Paralympic event. Such assistance may include planning, capital, and operating assistance.

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

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

(f) GRANT OR CONTRACT TERMS AND CONDITIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to paragraph (2) of this subsection, assistance under this section shall be subject to such terms and conditions as the Secretary may determine, including the waiver of any planning and procurement requirements under sections 5304, 5325, and 5326 of title 49, United States Code.

(2) LIMITATIONS ON WAIVER AUTHORITY.—Assistance granted under this section shall be subject to (and the Secretary may not waive)—

(1) the policy goals stated in—

(A) section 5301(e) of title 49, United States Code, relating to protection of the environment; and

(B) section 5301(d) of title 49, United States Code, relating to elderly individuals and individuals with disabilities; and

(2) the requirements of—

(A) section 5324(b) of title 49, United States Code, relating to economic, social, and environmental interests;

(B) section 5310(f) of title 49, United States Code, relating to elderly individuals and individuals with disabilities; and

(C) section 5333(b) of title 49, United States Code, relating to employee protective arrangements.

(g) USE OF APPROPRIATIONS.—From amounts made available to carry out sections 5303, 5307, and 5309 of title 49, United States Code, in each of fiscal years 1998 through 2003, the Secretary may use such amounts as may be necessary to carry out this section.

LAUTENBERG AMENDMENTS NOS. 1775–1779

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted five amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1775

At the appropriate place in subtitle A of title III, insert the following:

SEC. 31___. STUDIES CONCERNING LIGHT TRUCK SAFETY AND FUEL ECONOMY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) LIGHT TRUCK.—The term ''light truck'' means a truck or a multipurpose passenger vehicle, with a gross vehicle weight rating of 8,500 pounds or less.

(3) MULTIPURPOSE PASSENGER VEHICLE.—The term ''multipurpose passenger vehicle'' means a motor vehicle with motive power, except a trailer that—

(A) is designed to carry 10 persons or less; and

(B) is constructed—

(i) on a truck chassis; or

(ii) with special features for occasional off-road operation.

(4) TRUCK.—The term ''truck'' means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment.

(b) STUDY OF LIGHT TRUCK SAFETY.—

(1) IN GENERAL.—The Secretary shall—

(A) accelerate current research on the results of collisions between light trucks and passenger cars; and

(B) conduct a comprehensive study of the safety risks posed to occupants of light trucks in single vehicle collisions.

(2) REQUIREMENTS FOR STUDY.—The study conducted by the Secretary under this subsection—

(A)(i) shall include crash tests to evaluate the degree to which the height, weight, and other characteristics of light trucks may present a risk of injury to occupants of passenger cars and light trucks;

(ii) shall evaluate the need to establish rollover safety standards for light trucks; and

(iii) may incorporate such other research and information as the Secretary considers to be necessary; and

(B) shall evaluate the degree to which changing the characteristics of light trucks may reduce the risk of injury to occupants—

(i) of passenger cars involved in collisions with light trucks;

(ii) of light trucks involved in the collisions referred to in clause (i); and

(iii) of light trucks in single vehicle collisions.

(3) RULEMAKING.—Not later than October 1, 2001, the Secretary shall issue an advance notice of proposed rulemaking pursuant to chapter 301 of title 49, United States Code, to consider changing the height, weight, or other characteristics of light trucks to improve the safety of occupants of passenger cars in collisions referred to in paragraph (2)(B)(i) and the safety of occupants of light trucks in collisions referred to in clauses (ii) and (iii) of paragraph (2)(B), to take into consideration the information obtained through the study conducted under this subsection.

(4) FUNDING.—The Secretary shall use funds made available by appropriations for the purpose of carrying out chapter 301 of title 49, United States Code, to conduct the study under this subsection.

(c) STUDY OF LIGHT TRUCK FUEL ECONOMY; REGULATIONS.—

(1) IN GENERAL.—

(A) STUDY.—The Administrator shall conduct a study to assess the need, as a result of increases in emissions of gases that contribute to global warming and that are attributable to the increased use of light trucks, for providing for more stringent fuel economy standards for fleets of light trucks than are provided for under applicable law.

(B) REGULATIONS.—On the basis of the results of the study conducted under subparagraph (A), the Administrator shall issue regulations to establish carbon dioxide emissions standards for light trucks in a manner consistent with subsection (d).

(2) REPEAL EXEMPTION FOR LIGHT TRUCKS FROM GAS GUZZLER EXCISE TAX.—

(A) IN GENERAL.—Section 4064(b)(1) of the Internal Revenue Code of 1986 (defining automobile) is amended—

(i) in subparagraph (A)—

(I) in clause (ii), by striking ''6,000 pounds'' and inserting ''8,500 pounds''; and

(II) by adding at the end the following: ''In the case of a light truck (as that term is defined in section 31___(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1998), clause (ii) shall be applied by substituting 'gross vehicle weight' for 'unloaded gross vehicle weight'.'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply to sales occurring after the date of enactment of this Act.

(3) FUNDING.—There is authorized to be appropriated, from amounts in the general fund in the Treasury resulting from the amendments made by paragraph (2), such sums as are necessary to conduct the study under this subsection.

(d) REGULATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall issue regulations that provide for revised emissions standards for light trucks (including such emissions as the Administrator determines to be appropriate) to ensure that all light trucks are covered by emission standards with respect to model years commencing after January 1, 2001.

(2) CERTAIN LIGHT TRUCKS.—Nothing in this subsection is intended to affect any regulation issued by the Administrator with respect to any light truck on the basis of the study described in section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)).

AMENDMENT NO. 1776

Strike pages 10 through 29 and insert the following:

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 cost to resurface, restore, rehabilitate, and reconstruct deficient 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 cost to resurface, restore, rehabilitate, and reconstruct deficient 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 cost to resurface, restore, rehabilitate, and reconstruct deficient 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 cost to resurface, restore, rehabilitate, and reconstruct deficient 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 cost to resurface, restore, rehabilitate, and reconstruct deficient 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 cost to resurface, restore, rehabilitate, and reconstruct deficient 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, metropolitan planning, and the congestion mitigation and air quality improvement program; and

(II) under section 204 for the Federal Lands Highways Program, under section 207 for the Cooperative Federal Lands Transportation Program, and under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Regional Development Highway System.

"(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. 1777

Strikes pages 257 through 277 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 comment 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 innovative 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 existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies.

''(4) SELECTION OF PROJECTS.—

''(A) IN GENERAL.—In addition to the transportation improvement program development required under subsection (h)(1), all federally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

''(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.

''(5) CERTIFICATION.—

''(A) IN GENERAL.—The Secretary shall—

''(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

''(ii) subject to subparagraph (B), certify, not less often than once every 3 years, that the requirements of this paragraph are met with respect to the transportation management area.

''(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

''(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

''(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor.

''(C) EFFECT OF FAILURE TO CERTIFY.—

''(i) WITHHOLDING OF FUNDS.—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

''(ii) RESTORATION OF WITHHELD FUNDS.—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

''(iii) FEASIBILITY OF PRIVATE ENTERPRISE PARTICIPATION.—The Secretary shall not withhold certification under this paragraph based on the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

''(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated metropolitan transportation plan and program that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

''(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or programs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

''(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title or chapter 53 of title 49, in the case of a transportation management area classified as nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be programmed in the area for any highway project that will result in a significant increase in carrying capacity for single occupant vehicles unless the project results from an approved congestion management system.

''(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

''(l) LIMITATION.—Nothing in this section confers on a metropolitan planning organization the authority to impose any legal requirement on any transportation facility, provider, or project not eligible for assistance under this title or chapter 53 of title 49.

''(m) FUNDING.—

''(1) IN GENERAL.—Funds set aside under section 104(f) of this title and section 5303 of title 49 shall be available to carry out this section.

''(2) UNUSED FUNDS.—Any funds that are not used to carry out this section may be made available by the metropolitan planning organization to the State to fund activities under section 135.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134 and inserting the following:

''134. Metropolitan planning.''.

SEC. 1602. STATEWIDE PLANNING.

Section 135 of title 23, United States Code, is amended to read as follows:

''§ 135. Statewide planning

''(a) GENERAL REQUIREMENTS.—

''(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight throughout each State.

''(2) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134 of this title and sections 5303 through 5305 of title 49, each State shall develop transportation plans and programs for all areas of the State.

''(3) CONTENTS.—The plans and programs for each State shall provide for the development and integrated management and operation of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the intermodal transportation system of the United States.

''(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

''(b) SCOPE OF PLANNING PROCESS.—Each State shall carry out a transportation planning process that shall consider the following:

''(1) Supporting the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency.

''(2) Increasing the safety and security of the transportation system for motorized and nonmotorized users.

''(3) Increasing the accessibility and mobility options available to people and for freight.

''(4) Protecting and enhancing the environment, promoting energy conservation, and improving quality of life through land use planning.

''(5) Enhancing the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight.

''(6) Promoting efficient system management and operation.

''(7) Emphasizing the preservation of the existing transportation system.

''(c) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—In carrying out planning under this section, a State shall—

''(1) coordinate the planning with the transportation planning activities carried out under section 134 for metropolitan areas of the State; and

''(2) carry out the responsibilities of the State for the development of the transportation portion of the State air quality implementation plan to the extent required by the Clean Air Act (42 U.S.C. 7401 et seq.).

''(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

''(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

''(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

''(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.

''(e) LONG-RANGE TRANSPORTATION PLAN.—

''(1) DEVELOPMENT.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

''(2) CONSULTATION WITH GOVERNMENTS.—

''(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5305 of title 49.

''(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area, the plan shall be developed in consultation with local elected officials representing units of general purpose local government.

''(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

''(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the plan, the State shall—

''(A) 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 plan; and

''(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

''(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

''(1) DEVELOPMENT.—

''(A) IN GENERAL.—The State shall develop a transportation improvement program for all areas of the State.

''(B) CONSULTATION WITH GOVERNMENTS.—

''(i) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5305 of title 49.

''(ii) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with units of general purpose local government.

''(iii) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

''(C) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the Governor 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.

''(2) INCLUDED PROJECTS.—

''(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

''(B) CHAPTER 2 PROJECTS.—

''(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually.

''(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually.

''(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall—

''(i) be consistent with the long-range transportation plan developed under this section for the State;

''(ii) be identical to the project as described in an approved metropolitan transportation improvement program; and

''(iii) be in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

''(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—

''(i) IN GENERAL.—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.

''(E) PRIORITIES.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this title.

''(3) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

''(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals (excluding projects carried out on the National Highway System) shall be selected, from the approved statewide transportation improvement program, by the State in cooperation with the affected local officials.

''(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out in areas described in subparagraph (A) on the National Highway System shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected local officials.

''(4) BIENNIAL REVIEW AND APPROVAL.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section and section 134, approved not less frequently than biennially by the Secretary.

''(5) 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 statewide 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.

''(g) FUNDING.—Funds set aside under section 505 of this title and section 5313(b) of title 49 shall be available to carry out this section.''.

AMENDMENT NO. 1778

Strike pages 91 through 99 and insert the following:

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) AFFECTED PORT OF ENTRY.—The term ''affected port of entry'' means a seaport or airport in any State that demonstrates that the transportation of cargo by rail or motor carrier through the seaport or airport has increased significantly since the date of enactment of the Trade Agreement Implementation Act (Public Law 103–182).

(2) 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.

(3) 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.

(4) 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.

(5) 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.

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

(7) 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 AND AFFECTED PORT OF ENTRY 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 and through affected ports of entry.

(B) IDENTIFICATION OF CORRIDORS AND AFFECTED PORTS OF ENTRY.—Each corridor and affected port of entry referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor or by the State in which the affected port of entry is located.

(2) CORRIDOR AND AFFECTED PORT OF ENTRY 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, not later than 2 years after receipt of the grant—(i) in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary; or (ii) the State will submit a plan for affected port of entry improvements to the Secretary.

(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 AND AFFECTED PORT OF ENTRY 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 and affected port of entry 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 or affected port of entry 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 or affected port of entry 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 or affected port of entry planning processes and improvement programs; and

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

AMENDMENT NO. 1779

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

SEC. . TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS.

(a) IN GENERAL.—For a period of not less than 2 years beginning on or before the 90th day following the date of the enactment of this Act, the Secretary shall establish, maintain, and promote the use of a nationwide toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations and any laws or regulations relating to the safe operation of commercial motor vehicles.

(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and shall consider information provided by such reports in setting priorities for motor carrier safety audits and other enforcement activities.

(c) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

(1) PROHIBITION.—A person reporting a potential violation to the telephone system may not be discharged, disciplined, or discriminated against regarding pay, terms, or privileges of employment because of the reporting of such violation.

(2) APPLICABILITY OF SECTION 31105 OF TITLE 49.—For purposes of section 31105 of title 49, United States Code, a violation or alleged violation of paragraph (1) shall be treated as a violation of section 31105(a) of such title.

(d) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, the Secretary may use not to exceed $300,000 per fiscal year for fiscal years 1998 through 2000 to carry out this section.

BINGAMAN (AND OTHERS) AMENDMENT NO. 1780

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. BENNETT) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 8, line 4, insert ''and section 207(f)'' after ''(f)''.

On page 87, line 11, insert ''under subsection (e)'' after ''program''.

On page 89, line 16, insert ''under subsection (e)'' before ''for''.

On page 90, line 7, strike ''Notwithstanding'' and insert ''Subject to subsection (f), notwithstanding''.

On page 90, line 21, insert ''under subsection (e)'' after ''program''.

On page 91, line 10, add ''(other than subsection (f))'' at the end.

On page 91, line 16, strike the quotation marks and the following period.

On page 91, between lines 16 and 17, insert the following:

''(f) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—

''(1) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

''(2) AVAILABILITY TO ELIGIBLE COUNTIES.—

''(A) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

''(B) ROADS.—A public road referred to in subparagraph (A) is a public road that—

''(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

''(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

''(iii) is maintained by the county in which the public road is located.

''(C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

''(ii) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

''(3) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

''(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

''(B) any funding provided by a State to a county for road maintenance programs in the county.

''(4) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b).

''(5) SET-ASIDE.—For each of fiscal years 1998 through 2003, before making an apportionment of funds under section 104(b), the Secretary shall set aside $1,500,000 of the funds to carry out this subsection.''.

DASCHLE AMENDMENT NO. 1781

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 370, line 19, after ''applications'' insert ''(including the use of advanced composites)''.

GRAHAM AMENDMENTS NOS. 1781–1795

(Ordered to lie on the table.)

Mr. GRAHAM submitted 14 amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1782

On page 40, strike lines 7 through 10 and insert the following:

198);

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027); and

(I) subsections (c) and (d) of section 1128.

AMENDMENT NO. 1783

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 95 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) determined in accordance with paragraph (3).

On page 30, before line 18, insert the following:

''(3) DETERMINATION OF ESTIMATED TAX PAYMENTS.—

''(A) ESTIMATES.—For the purpose of paragraph (1)(C), the estimated tax payments attributable to highway users in a State for a fiscal year shall be determined based on the estimated receipts for the previous fiscal year, as specified in the latest sequestration report prepared by the Office of Management and Budget under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904).

''(B) RECONCILIATION OF ESTIMATES TO ACTUAL AMOUNTS.—

''(i) IN GENERAL.—Before making any calculation under subparagraph (A) to determine the amount of an allocation to a State under paragraph (1)(C) for a fiscal year, the Secretary shall adjust the amount of the estimated tax payments attributable to highway users in the State for the previous fiscal year to the extent that—

''(I) the actual tax payments attributable to highway users in the State for previous fiscal years were in excess of or less than the estimate for the previous fiscal years; and

''(II) the excess or deficit described in subclause (I) has not been previously taken into account under this clause.

''(ii) DATA.—In carrying out clause (i), the Secretary shall use the latest data available from the Secretary of the Treasury.

''(C) SPECIAL RULE FOR FISCAL YEAR 1998 AND 1999 ESTIMATES.—In determining the amount of the estimated tax payments attributable to highway users in a State under paragraph (1)(C) for fiscal years 1998 and 1999—

''(i) the amount of the estimated tax payments for fiscal year 1998 shall be increased by 2/14 of the amount of the estimated tax payments for fiscal year 1999; and

''(ii) the amount of the estimated tax payments for fiscal year 1999 shall be reduced by the amount of the increase under clause (i).

AMENDMENT NO. 1784

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 95 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.

AMENDMENT NO. 1785

On page 29, line 8, insert ''and allocations'' after ''apportionments''.

On page 29, line 13, strike ''and''.

On page 29, line 14, after ''program'', insert the following: '', and the Interstate 4R and bridge discretionary program''.

On page 29, strike line 15 and insert the following:

''(II) under section 165 for the national scenic byways program;

''(III) under section 206 for the recreational trails program;

''(IV) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike ''(II)'' and insert ''(V)''.

On page 29, line 19, strike ''bears to''.

On page 29, between lines 19 and 20, insert the following:

''(VI) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

''(VII) under section 1128 of the Intermodal Surface Transportation Efficiency Act of 1997 (excluding allocations under the Federal lands highways program); and

''(VIII) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike ''0.90'' and insert ''0.95''.

AMENDMENT NO. 1786

On page 29, line 8, insert ''and allocations'' after ''apportionments''.

On page 29, strike line 15 and insert the following:

''(II) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike ''(II)'' and insert ''(III)''.

On page 29, line 19, strike ''bears to''.

On page 29, between lines 19 and 20, insert the following:

''(IV) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

''(V) under section 1128 of the Intermodal Surface Transportation Efficiency Act of 1997 (excluding allocations under the Federal lands highways program); and

''(VI) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike ''0.90'' and insert ''0.95''.

AMENDMENT NO. 1787

On page 136, after line 22, add the following:

SEC. 11___. 95 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) each State's percentage of the total apportionments for the fiscal year and the total allocations for the previous fiscal year for Federal-aid highway programs (excluding allocations specified in paragraph (2)); bears to

(B) the 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 0.95.

(2) EXCLUDED ALLOCATIONS.—The allocations specified in this paragraph are allocations for—

(A) emergency relief under section 125 of title 23, United States Code;

(B) forest highways, Indian reservation roads, and parkways and park roads under section 202 of that title;

(C) highway-related safety grants under section 402 of that title;

(D) nonconstruction safety grants under sections 402, 406, and 408 of that title; and

(E) motor carrier safety grants under section 31104 of title 49, United States Code.

(c) REDUCTION OF SUMS.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 11___ (Chafee amendment No. 1684).

AMENDMENT NO. 1788

On page 136, after line 22, add the following:

SEC. 11___. 95 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the 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 0.95.

(c) REDUCTION OF SUMS.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

AMENDMENT NO. 1789

On page 136, after line 22, add the following:

SEC. 11___. 95 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the 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 0.95.

(c) REDUCTION OF SUMS.—The sums made available under all allocated Federal-aid highway programs under this Act and title 23, United States Code (excluding allocations made available under section 1128), shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

AMENDMENT NO. 1790

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 the Mass Transit Account) determined in accordance with paragraph (3).

On page 30, before line 18, insert the following:

''(3) DETERMINATION OF ESTIMATED TAX PAYMENTS.—

''(A) ESTIMATES.—For the purpose of paragraph (1)(C), the estimated tax payments attributable to highway users in a State for a fiscal year shall be determined based on the estimated receipts for the previous fiscal year, as specified in the latest sequestration report prepared by the Office of Management and Budget under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904).

''(B) RECONCILIATION OF ESTIMATES TO ACTUAL AMOUNTS.—

''(i) IN GENERAL.—Before making any calculation under subparagraph (A) to determine the amount of an allocation to a State under paragraph (1)(C) for a fiscal year, the Secretary shall adjust the amount of the estimated tax payments attributable to highway users in the State for the previous fiscal year to the extent that—

''(I) the actual tax payments attributable to highway users in the State for previous fiscal years were in excess of or less than the estimate for the previous fiscal years; and

''(II) the excess or deficit described in subclause (I) has not been previously taken into account under this clause.

''(ii) DATA.—In carrying out clause (i), the Secretary shall use the latest data available from the Secretary of the Treasury.

''(C) SPECIAL RULE FOR FISCAL YEAR 1998 AND 1999 ESTIMATES.—In determining the amount of the estimated tax payments attributable to highway users in a State under paragraph (1)(C) for fiscal years 1998 and 1999—

''(i) the amount of the estimated tax payments for fiscal year 1998 shall be increased by 2/14 of the amount of the estimated tax payments for fiscal year 1999; and

''(ii) the amount of the estimated tax payments for fiscal year 1999 shall be reduced by the amount of the increase under clause (i).

AMENDMENT NO. 1791

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.

AMENDMENT NO. 1792

On page 29, line 13, strike ''and''.

On page 29, line 14, after ''program'', insert the following: '', and the Interstate 4R and bridge discretionary program''.

On page 29, strike line 15 and insert the following:

''(II) under section 165 for the national scenic byways program;

''(III) under section 206 for the recreational trails program;

''(IV) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike ''(II)'' and insert ''(V)''.

On page 29, line 18, strike ''bears to''.

On page 29, between lines 18 and 19, insert the following:

''(VI) under section 1116 of the Intermodal Transportation Act of 1997 for trade corridor and border crossing planning; and

''(VII) under section 1604 of the Intermodal Transportation Act of 1997 for the transportation and community and system preservation pilot program; bears to''.

AMENDMENT NO. 1793

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, or 0.95 for fiscal year 2003; and''.

AMENDMENT NO. 1794

On page 29, line 8, insert ''and allocations'' after ''apportionments''.

On page 29, line 13, strike ''and''.

On page 29, line 14, after ''program'', insert the following: '', and the Interstate 4R and bridge discretionary program''.

On page 29, strike line 15 and insert the following:

''(II) under section 165 for the national scenic byways program;

''(III) under section 206 for the recreational trails program;

''(IV) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike ''(II)'' and insert ''(V)''.

On page 29, line 19, strike ''bears to''.

On page 29, between lines 19 and 20, insert the following:

''(VI) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

''(VII) under section 1128 of the Intermodal Surface Transportation Efficiency Act of

1997 (excluding allocations under the Federal lands highways program); and

''(VIII) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike ''0.90'' and insert ''0.91''.

AMENDMENT NO. 1795

On page 29, line 8, insert ''and allocations'' after ''apportionments''.

On page 29, strike line 15 and insert the following:

''(II) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike ''(II)'' and insert ''(III)''.

On page 29, line 19, strike ''bears to''.

On page 29, between lines 19 and 20, insert the following:

''(IV) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

''(V) under section 1128 of the Intermodal Surface Transportation Efficiency Act of 1997 (excluding allocations under the Federal lands highways program); and

''(VI) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike ''0.90'' and insert ''0.91''.

GRAHAM (AND OTHERS) AMENDMENT NO. 1796

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. ABRAHAM, Mr. KOHL, Mr. THURMOND, Mr. MACK, Mr. COATS, Mr. LEVIN, Mr. LUGAR, and Mr. MCCAIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11___. 91 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the 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 0.91.

(c) REDUCTION OF SUMS.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

GRAHAM AMENDMENT NO. 1797

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 218, after line 25, add the following:

SEC. 13___. IMPOSITION OF ANNUAL FEE ON TIFIA RECIPIENTS.

(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument under this part (as defined in section 1313(2)), an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to such recipient during the year under this part.

(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument (as so defined).

(c) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

(1) fiscal years 1999 through 2003, 1.9095 percent, and

(2) fiscal years after 2003, 0.5144 percent.

(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary of Transportation under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

GRAHAM (AND OTHERS) AMENDMENT NO. 1798

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. ABRAHAM, Mr. KOHL, Mr. THURMOND, Mr. MACK, Mr. COATS, Mr. LEVIN, Mr. LUGAR, and Mr. MCCAIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11___. 91 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the 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 0.91.

(c) REDUCTION OF SUMS.—The sums made available under all allocated Federal-aid highway programs under this Act and title 23, United States Code (excluding allocations made available under section 1128), shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

GRAHAM (AND COATS) AMENDMENT NO. 1799

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. COATS) submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11___. 91 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) each State's percentage of the total apportionments for the fiscal year and the total allocations for the previous fiscal year for Federal-aid highway programs (excluding allocations specified in paragraph (2)); bears to

(B) the 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 0.91.

(2) EXCLUDED ALLOCATIONS.—The allocations specified in this paragraph are allocations for—

(A) emergency relief under section 125 of title 23, United States Code;

(B) forest highways, Indian reservation roads, and parkways and park roads under section 202 of that title;

(C) highway-related safety grants under section 402 of that title;

(D) nonconstruction safety grants under sections 402, 406, and 408 of that title; and

(E) motor carrier safety grants under section 31104 of title 49, United States Code.

(c) REDUCTION OF SUMS.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 11___ (Chafee amendment No. 1684).

THURMOND AMENDMENT NO. 1800

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11___. 91 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the 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 0.91.

(c) REDUCTION OF SUMS.—For each fiscal year, the amount that the Secretary may deduct for administrative expenses under section 104(a) of title 23, United States Code, shall be reduced by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

NICKLES AMENDMENTS NOS. 1801–1803

(Ordered to lie on the table.)

Mr. NICKLES submitted three amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1801

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.''.

AMENDMENT NO. 1802

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.''.

AMENDMENT NO. 1803

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.''.

SESSIONS AMENDMENTS NOS. 1804–1814

(Ordered to lie on the table.)

Mr. SESSIONS submitted eleven amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1804

On page 88, on line 10 to the Chafee Amendment No. 1676 strike lines 10 through 13 and insert the following:

''(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, however the 4.5 percent requirement shall not apply to those states that have had federal lands transferred to the United States Fish and Wildlife Service for the preservation of rare botanical ecosystems, including longleaf pine ecosystem; and''.

AMENDMENT NO. 1805

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, strike lines 12 and 13 and insert the following:

project eligible for funding under section 149 of title 23, United States Code.

AMENDMENT NO. 1806

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. 1807

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. 1808

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

SEC. 18___. DESIGNATION OF CORRIDORS IN MISSISSIPPI AND ALABAMA AS ROUTES ON THE INTERSTATE SYSTEM.

(a) IN GENERAL.—

(1) DESIGNATION.—Subject to subsection (b)(2), notwithstanding section 103(c) of title 23, United States Code, the segments described in paragraph (2) are designated as routes on the Interstate System.

(2) SEGMENTS.—The segments referred to in paragraph (1) are—

(A) the portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi; and

(B) the portion of Corridor X of the Appalachian development highway system from near Fulton, Mississippi, to the intersection with Interstate Route 65 near Birmingham, Alabama.

(b) SUBSTANDARD FEATURES.—

(1) UPGRADING.—Each portion of the segments described in subsection (a)(2) that does not substantially meet the Interstate System design standards under section 109(b) of title 23, United States Code, in effect on the date of enactment of this Act shall be upgraded in accordance with plans and schedules developed by the applicable State.

(2) DESIGNATION.—Each portion of the segments described in subsection (a)(2) that on the date of enactment of this Act is not at least 4 lanes wide, separated by a median, access-controlled, and grade-separated shall—

(A) be designated as a future Interstate System route; and

(B) become part of the Interstate System at such time as the Secretary determines that the portion of the segment substantially meets the Interstate System design standards described in paragraph (1).

(c) TREATMENT OF ROUTES.—

(1) MILEAGE LIMITATION.—The mileage of the routes on the Interstate System designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) FEDERAL FINANCIAL RESPONSIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the designation of the routes on the Interstate System under subsection (a) shall not create increased Federal financial responsibility with respect to the designated segments for each fiscal year 98–03.

(B) USE OF CERTAIN FUNDS.—A State may use funds available to the State under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated segments.

(3) ELIGIBILITY FOR OTHER FUNDING.—This section shall not decrease the amount of funding that a State shall be entitled to receive under any other section of this Act or under any other law.

AMENDMENT NO. 1809

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 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) 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. 1810

On page 42, line 20, strike ''1503, 1603,'' and insert ''1603''.

AMENDMENT NO. 1811

On page 42, lines 7 and 8, strike ''207, and 322'' and insert ''and 207''.

AMENDMENT NO. 1812

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. 1813

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''.

AMENDMENT NO. 1814

Beginning on page 182, line 15, the following new subsection (R) is to be added:

''(R) Any bridge project which has already received funding in accordance with P.L. 102–240 section 1107, subparagraph (b) and for which 100% of the planning and over 25% of the construction is completed shall be considered a project eligible for funding under the National Highway System.''

CHAFEE AMENDMENTS NOS. 1815–1829

(Ordered to lie on the table.)

Mr. CHAFEE submitted 15 amendments intended to be proposed by him to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1815

On page 163, line 10, insert ''the decision-making process for'' after ''with''.

On page 163, line 17, insert ''the decision-making process for'' after ''with''.

On page 164, line 17, insert ''the decision-making process for'' after ''with''.

AMENDMENT NO. 1816

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. REMOVAL OF CAP ON HEAVY USE VEHICLE EXCISE TAX.

(a) IN GENERAL.—Section 4481(a) is amended to read as follows:

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of at least 55,000 pounds at the rate of $100 per year plus $22 for each 1,000 pounds (or fraction thereof) in excess of 55,000 pounds.

''(2) ADJUSTMENT OF RATE TO ENSURE REVENUE NEUTRALITY.—For taxable periods beginning after June 30, 1998, the Secretary shall reduce the rate of tax under paragraph (1) by an amount which shall result in total revenues resulting from the imposition of the tax under this section for such taxable periods being no greater than the total revenues resulting from such imposition if the amendment made by section __ of the Intermodal Surface Transportation Revenue Act of 1998 had not been enacted.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on July 1, 1998.

AMENDMENT NO. 1817

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. REMOVAL OF CAP ON HEAVY USE VEHICLE EXCISE TAX.

(a) IN GENERAL.—Section 4481(a) is amended to read as follows:

''(a) IMPOSITION OF TAX.—A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of at least 55,000 pounds at the rate of $100 per year plus $22 for each 1,000 pounds (or fraction thereof) in excess of 55,000 pounds.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on July 1, 1998.

AMENDMENT NO. 1818

On page 43, lines 11 and 12, strike ''sections 5222, 5232, and 5241'' and insert ''sections 5222 and 5232''.

On page 309, after line 15, strike the items relating to subchapter IV and section 5241.

On page 318, strike lines 18 through 23 and insert the following:

(a) IN GENERAL.—Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

''§ 513. National university transportation centers

On page 319, line 1, insert ''of title 49'' after ''5317''.

On page 319, strike lines 7 through 15 and insert the following:

''(2) to continue operation of university transportation centers at the National Center for Transportation and Industrial Productivity, the Mack-Blackwell National Rural Transportation Study Center, the National Center for Advanced Transportation Technology, the Norman Y. Mineta International Institute for Surface Transportation Policy, and the University of Alabama Transportation Research Center.

On page 325, strike lines 12 and 13 and insert the following:

not more than $12,000,000 for each of fiscal years 1998 through 2003, of which, for each fiscal year—

''(A) not more than $8,000,000 shall be available for operation of the university transportation centers described in subsection (a)(1); and

''(B) not more than $4,000,000 shall be available for operation of the university transportation centers described in subsection (a)(2).

On page 325, line 17, strike ''of title 23''.

On page 337, after the item relating to section 512, insert the following:

''513. National University Transportation Centers.

AMENDMENT NO. 1819

On page 337, after the item relating to section 512, insert the following:

''513. Use of fluorescent materials for enhanced night visibility.

On page 381, strike line 7 and insert the following:

SEC. 2018. USE OF FLUORESCENT MATERIALS FOR ENHANCED NIGHT VISIBILITY.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

''§ 513. Use of fluorescent materials for enhanced night visibility

''(a) IN GENERAL.—

''(1) PROGRAM.—The Secretary shall establish and carry out a program to demonstrate the application and feasibility of technology using ultraviolet-activated fluorescent materials for enhanced night visibility on the highways of the United States (referred to in this section as the 'technology').

''(2) GOALS.—The goals of the program shall include—

''(A) advancing the current state of the technology;

''(B) reducing the technological, institutional, and economic constraints associated with the use and commercialization of the technology;

''(C) determining the costs and benefits of widespread use of the technology; and

''(D) promoting technology transfer and laying the foundation for widespread deployment of the technology.

''(b) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

''(1) RESEARCH AND DEVELOPMENT.—Under the program established under this section, the Secretary shall make grants, and enter into cooperative agreements and contracts, to carry out a research and development program to achieve the goals specified in subsection (a)(2), including—

''(A) increasing efficiency in the design and manufacture of ultraviolet headlights; and

''(B) reducing highway installation and maintenance costs of fluorescent markings and signs.

''(2) DEMONSTRATION.—

''(A) IN GENERAL.—Under the program established under this section, the Secretary shall make grants, and enter into cooperative agreements and contracts, to carry out a demonstration program to accelerate innovation with respect to the technology and to lay the foundation for widespread deployment of the technology.

''(B) REQUIRED ELEMENTS.—

''(i) IN GENERAL.—The demonstration program shall consist of 2 or more demonstration projects designed to develop—

''(I) reliable and valid data on the costs of, benefits from, impacts of, and technological, institutional, and economic constraints to widespread deployment of the technology; and

''(II) the information necessary to prepare the interim and final reports required by subsection (c).

''(ii) TYPES OF DATA TO BE DEVELOPED.—Data shall be developed on factors including—

''(I) improved visibility of pedestrians by operators of motor vehicles;

''(II) fluorescent traffic control devices and markings;

''(III) acceptance of the technology by the motoring public, pedestrians, automobile and equipment component manufacturers, and highway officials;

''(IV) safety benefits and costs;

''(V) environmental and health concerns; and

''(VI) technological, institutional, and economic constraints.

''(iii) MINIMUM SIZE OF DEMONSTRATION PROJECT.—At least 1 of the demonstration projects shall include not fewer than 5000 vehicles.

''(C) COMMENCEMENT OF PROJECTS.—Site selection and experimental design for the demonstration projects shall commence not later than October 1, 2000.

''(c) REPORTS.—

''(1) IN GENERAL.—Not later than September 30, 2001, the Secretary shall submit an interim report, and not later than September 30, 2003, the Secretary shall submit a final report, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate that—

''(A) describes the advances of the research and the results of the demonstration projects conducted under this section;

''(B) analyzes the constraints to widespread deployment of the technology, including the institutional and economic constraints associated with the use of fluorescent traffic control devices and markings identified by ultraviolet headlights; and

''(C) makes recommendations for legislative and administrative actions that would address the constraints and accelerate widespread deployment of the technology.

''(2) ASSESSMENT ON HEALTH AND ENVIRONMENTAL CONSEQUENCES.—Each report shall include an independent assessment conducted by the National Academy of Sciences on the health and environmental consequences, if any, that might be anticipated from widespread deployment of the technology.

''(3) CONSULTATION.—Each report shall be prepared by the Administrator of the Federal Highway Administration, after consultation with the National Highway Traffic Safety Administration, the American Association of State Highway and Transportation Officials, and representatives of the automobile industry and the highway safety community.

''(d) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from the research and development and demonstration programs carried out under this section are made available to State and local transportation departments and interested parties as specified by the Secretary.

''(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Of the funds made available by section 541,—

''(A) to carry out the research and development program under subsection (b)(1), including development of ultraviolet headlights, $1,500,000 for each of fiscal years 1999 through 2001; and

''(B) to carry out the demonstration program under subsection (b)(2) $6,000,000 for fiscal year 2001, $6,000,000 for fiscal year 2002, and $2,500,000 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 of title 23, United States Code.''.

SEC. 2019. CONFORMING AMENDMENTS.

AMENDMENT NO. 1820

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ALLOCATIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary shall allocate $60,000,000 of the funds made available to carry out the program to eligible States described in subparagraph (C).

(B) DISTRIBUTION AND USE OF FUNDS.—Funds allocated under subparagraph (A) shall be—

(i) divided equally among the eligible States; and

(ii) used for projects eligible for funding under this subsection.

(C) ELIGIBLE STATES.—A State is eligible for an allocation under subparagraph (A) if the State—

(i) is listed in the table in subsection (d)(1);

(ii) is not eligible for funding under subsection (b)(1)(B); and

(iii) is not eligible for funding under the other paragraphs of this subsection.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike ''(6)'' and insert ''(7)'';

(2) on page 13, line 14, strike ''(7)'' and insert ''(8)'';

(3) on page 13, line 19, strike ''$360,000,000'' and insert ''$420,000,000''; and

(4) on page 14, line 1, strike ''(8)'' and insert ''(9)''.

On page 415, strike lines 10 through 15 and insert the following:

(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $41,000,000 for fiscal year 1999, $44,000,000 for fiscal year 2000, $47,000,000 for fiscal year 2001, $49,000,000 for fiscal year 2002, and $54,000,000 for fiscal year 2003.

AMENDMENT NO. 1821

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

(d) REPORT ON USE OF FUNDS.—Section 104 of title 23, United States Code (as amended by subsection (c)) is amended by adding at the end the following:

''(n) REPORT ON USE OF FUNDS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit a report to Congress describing and depicting in map form, on the basis of sub-State geographic area, the relationship between—

''(A) tax payments attributable to highway users paid into the Highway Trust Fund (other than the Mass Transit Account); and

''(B) the obligation of funds from the Highway Trust Fund (other than the Mass Transit Account).

''(2) ESTIMATES.—The report shall include estimates for the most recent fiscal year for which data are available and, to the maximum extent practicable, for previous fiscal years.

''(3) TYPES OF SUB-STATE GEOGRAPHIC AREA.—The report shall contain information on the basis of each State's urbanized, nonurbanized, and rural areas and may contain information on the basis of other sub-State geographic areas.

''(4) DATA COLLECTION.—The Secretary may perform such analysis and collect or require to be collected such data as is necessary to carry out this subsection.

''(5) ANNUAL UPDATES.—Not later than 1 year after the date of submission of the report to Congress and annually thereafter, the Secretary shall update the information contained in the report.

''(6) PUBLICATION.—The Secretary shall publish, or otherwise make publicly available, the information contained in the report and annual updates.''.

AMENDMENT NO. 1822

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

SEC. ___. BUDGETARY TREATMENT OF TRANSPORTATION TRUST FUNDS.

(a) FINDINGS.—Congress finds the following:

(1) Included in the President's budget for fiscal year 1999 was a proposal by the Office of Management and Budget to administratively redefine obligation limitations on transportation trust funds as budget authority and thereby eliminating contract authority as a form of budget authority.

(2) This administrative decision is in direct contradiction to explicit legislative guidance to the contrary in the Congressional Budget Act of 1974. Section 3(2)(A) of the Congressional Budget Act of 1974 defines contract authority as a form of budget authority. Section 3(2)(B) of the Congressional Budget Act of 1974 explicitly defines the trust funds where obligation limitations shall be defined as obligation limitations. This list does not include the transportation trust funds.

(3) The Office of Management and Budget proposal does not help to address the fundamental problem with the budgetary treatment of the transportation trust funds, the lack of linkage between the taxes deposited into the trust fund and the spending from those same trust funds.

(4) It is clear that the budgetary treatment of the transportation trust funds need to be modified to provide a more appropriate linkage between trust fund receipts and trust fund spending. The Office of Management and Budget proposal is not a step forward in is direction. Under current law, increases in trust fund receipts to these trust funds can only be used to offset other mandatory spending and cannot be used to pay for increased transportation spending. Congress should address the illogical budgetary treatment of the transportation trust funds.

(b) DEFINITION.—For purposes of this section, the term ''transportation trust funds'' includes the Highway Trust Fund and Airport and Airway Trust Fund.

(c) LIMITATION.—The Office of Management and Budget may not use its authority to change budgetary concepts and definitions under the Balanced Budget and Emergency Deficit Control Act of 1985 to redefine obligation limitations for the transportation trust funds as budget authority for any purpose under that Act or the Congressional Budget Act of 1974.

(d) PROHIBITION.—Obligation limitations on transportation trust funds shall not be treated as budget authority for any purpose under the Balanced Budget and Emergency Deficit Control Act of 1985 or the Congressional Budget Act of 1974 unless the application of this subsection is specifically limited and referenced in law.

AMENDMENT NO. 1823

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

SEC. ___. AMENDMENT TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

(a) DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting ''and any committee of the House of Representatives and the Senate whose jurisdiction includes the subject matter of the new accounts or activities'' after ''and the Senate''.

(b) DISCRETIONARY SPENDING.—Section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting ''and any committee of the House of Representatives and the Senate whose jurisdiction includes the subject matter of the new accounts or activities'' after ''and the Senate''.

AMENDMENT NO. 1824

Strike ''Intermodal Surface Transportation Efficiency Act of 1997'' each place it appears and insert ''Intermodal Surface Transportation Efficiency Act of 1998''.

Strike ''Transportation Infrastructure Finance and Innovation Act of 1997'' each place it appears and insert ''Transportation Infrastructure Finance and Innovation Act of 1998''.

Strike ''Intelligent Transportation Systems Act of 1997'' each place it appears and insert ''Intelligent Transportation Systems Act of 1998''.

Strike ''Intermodal Transportation Safety Act of 1997'' each place it appears and insert ''Intermodal Transportation Safety Act of 1998''.

AMENDMENT NO. 1825

At the end of title IV, add the following:

SEC. ___. ELIMINATION OF CERTAIN DELAY IN DEPOSITS OF HIGHWAY MOTOR FUEL TAX REVENUES.

Section 901 of the Taxpayer Relief Act of 1997 (111 Stat. 871) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

AMENDMENT NO. 1826

At the end of title IV add the following:

SEC. __. REPEAL OF CERTAIN LIMITATION ON EXPENDITURES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(b) EFFECTIVE DATE.—The amendment made by this section takes effect as if included in the enactment of section 901 of the Taxpayer Relief Act of 1997.

AMENDMENT NO. 1827

SEC. ___. ELIMINATION OF CERTAIN DELAY IN DEPOSITS OF HIGHWAY MOTOR FUEL TAX REVENUES.

Section 901 of the Taxpayer Relief Act of 1997 (111 Stat. 871) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

AMENDMENT NO. 1828

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

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 $12,396,548,000 for fiscal year 1998, $12,369,867,000 for fiscal year 1999, $12,343,721,000 for fiscal year 2000, $12,367,017,000 for fiscal year 2001, $12,634,621,000 for fiscal year 2002, and $13,065,331,000 for fiscal year 2003, of which—

(A) $4,761,136,000 for fiscal year 1998, $4,771,338,000 for fiscal year 1999, $4,801,026,000 for fiscal year 2000, $4,837,108,000 for fiscal year 2001, $4,926,078,000 for fiscal year 2002, and $5,075,859,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,449,041,000 for fiscal year 1998, $1,452,416,000 for fiscal year 1999, $1,460,912,000 for fiscal year 2000, $1,472,658,000 for fiscal year 2001, $1,499,600,000 for fiscal year 2002, and $1,545,051,000 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 $7,245,207,000 for fiscal year 1998, $7,201,047,000 for fiscal year 1999, $7,305,594,000 for fiscal year 2000, $7,361,222,000 for fiscal year 2001, $7,495,937,000 for fiscal year 2002, and $7,724,222,000 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 $1,190,284,000 for fiscal year 1998, $1,192,576,000 for fiscal year 1999, $1,199,998,000 for fiscal year 2000, $1,209,794,000 for fiscal year 2001, $1,231,262,000 for fiscal year 2002, and $1,269,481,000 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.

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 made available for expenditure on the Interstate and National Highway System program, 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) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) 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) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) 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, and for the purposes specified in subparagraph (A), 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 DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) 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 150 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, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 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 .85; 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	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.76
Rhode Island	0.61
South Dakota	0.81
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

"(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)(3)".

(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)(3)"; 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)''.

(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)''.

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

AMENDMENT NO. 1829

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

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 $12,396,548,000 for fiscal year 1998, $12,691,604,000 for fiscal year 1999, $12,672,215,000 for fiscal year 2000, $12,709,390,000 for fiscal year 2001, $13,028,866,000 for fiscal year 2002, and $13,485,484,000 for fiscal year 2003, of which—

(A) $4,884,261,000 for fiscal year 1998, $4,895,439,000 for fiscal year 1999, $4,928,972,000 for fiscal year 2000, $4,971,020,000 for fiscal year 2001, $5,079,789,000 for fiscal year 2002, and $5,239,088,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,486,514,000 for fiscal year 1998, $1,490,193,000 for fiscal year 1999, $1,499,790,000 for fiscal year 2000, $1,513,428,000 for fiscal year 2001, $1,546,393,000 for fiscal year 2002, and $1,594,736,000 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 $7,432,571,000 for fiscal year 1998, $7,449,905,000 for fiscal year 1999, $7,500,013,000 for fiscal year 2000, $7,565,013,000 for fiscal year 2001, $7,729,837,000 for fiscal year 2002, and $7,972,616,000 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 $1,221,065,000 for fiscal year 1998, $1,233,595,000 for fiscal year 1999, $1,231,933,000 for fiscal year 2000, $1,243,286,000 for fiscal year 2001, $1,269,682,000 for fiscal year 2002, and $1,310,305,000 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.

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 made available for expenditure on the Interstate and National Highway System program, 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) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) 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) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) 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, and for the purposes specified in subparagraph (A), 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 DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) 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 150 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, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 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 ___; 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	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.76
Rhode Island	0.61
South Dakota	0.81
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

"(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)(3)''.

(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)(3)''; 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)''.

(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)''.

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

MCCAIN AMENDMENTS NOS. 1830–1834

(Ordered to lie on the table.)

Mr. MCCAIN submitted five amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1830

On page 34, line 18, strike ''$117,858,000'' and insert ''$166,700,000'';

On page 34, line 19, strike ''$123,492,000'' and insert ''$166,700,000'';

On page 34, line 20, strike ''$126,877,000'' and insert ''$166,700,000'';

On page 34, line 22, strike ''$130,355,000'' and insert ''$166,700,000'';

On page 34, line 24, strike ''$133,759,000'' and insert ''$166,700,000'';

On page 35, line 1, strike ''$141,803,000'' and insert ''$171,034,000'';

On page 35, line 8, strike ''$30,570,000'' and insert ''$44,000,000'';

On page 35, line 9, strike ''$28,500,000'' and insert ''$39,000,000'';

On page 35, line 10, strike ''$29,273,000'' and insert ''$39,000,000'';

On page 35, line 11, strike ''$30,065,000'' and insert ''$39,000,000'';

On page 35, line 12, strike ''$38,743,000'' and insert ''$49,000,000'';

On page 35, line 14, strike ''$39,815,000'' and insert ''$50,170,000'';

On page 35, line 21, after the first comma, insert ''to subsection 402(m) and section 410 of title 23, United States Code.'';

On page 36, line 5, strike ''$13,950,000'' and insert ''$20,000,000'';

On page 36, line 6, strike ''$14,618,000'' and insert ''$20,000,000'';

On page 36, line 7, strike ''$15,012,000'' and insert ''$20,000,000'';

On page 36, line 8, strike ''$15,418,000'' and insert ''$20,000,000'';

On page 36, line 9, strike ''$17,640,000'' and insert ''$22,000,000'';

On page 36, line 11, strike ''$17,706,000'' and insert ''$22,312,000'';

On page 37, line 4, strike ''$8,370,000'' and insert ''$12,000,000'';

On page 37, line 5, strike ''$8,770,000'' and insert ''$12,000,000'';

On page 37, line 6, strike ''$9,007,000'' and insert ''$12,000,000'';

On page 37, line 8, strike ''$9,250,000'' and insert ''$12,000,000'';

On page 37, line 23, strike ''$60,100,000'' and insert ''$73,100,000'';

On page 37, line 25 and 26, strike all after ''2001,'' and insert ''2002, and 2003.'';

On page 38, line 13, strike ''$1,605,000'' and insert ''$2,300,000'';

On page 38, line 14, strike ''$1,680,000'' and insert ''$2,300,000'';

On page 38, line 15, strike ''$1,726,000'' and insert ''$2,300,000'';

On page 38, line 16, strike ''$1,772,000'' and insert ''$2,300,000'';

On page 38, line 17, strike ''$1,817,000'' and insert ''$2,300,000''; and

On page 38, line 18, strike ''$1,872,000'' and insert ''$2,360,000''.

AMENDMENT NO. 1831

At the end of subsection (f) of Section 3101, ''Highway Safety Programs,'' insert the following:

''(n) DRUGGED DRIVING COUNTERMEASURES.—The Secretary shall make grants to those States that adopt and implement effect programs to reduce drug use and drugged driving:

(l) GRANT ELIGIBILITY.—A state is eligible for a grant under this subsection in a fiscal year by meeting, to the satisfaction of the Secretary, 5 or more of the following criteria:

(A) ZERO TOLERANCE FOR DRUGS.—The State has in effect a law that requires that any person with a measurable amount of a controlled substance, a combination of controlled substances, or a combination of alcohol and controlled substances when driving a motor vehicle shall be deemed to be driving under the influence of or impaired by a controlled substance.

(B) DRUG IMPAIRED DRIVING.—The State has in effect a law that makes it unlawful for any person to drive or be in actual physical control of a motor vehicle while under the influence of or impaired by a drug or substance (licit or illicit).

(C) MANDATORY TESTING FOR DRUGS OR SUBSTANCES.—The State has in effect a law that provides for mandatory chemical 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 a drug or substance-related traffic offense.

(D) ADMINISTRATIVE LICENSE REVOCATION.—The State has in effect an administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of a drug or substance 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 one or more chemical tests to have been operating a motor vehicle under the influence of a drug or substance or is determined to have refused to submit to such a test as requested by the law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt 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 (D)(i) shall take effect not later than 30 days after the day on which the person was determined to have been driving under the influence of drugs or refused to take a chemical test in accordance with the State's procedures.

''(E) LICENSE REVOCATION OR SUSPENSION OF PERSONS CONVICTED OF DRUG OFFENSES.—The State has in effect a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

(i) the revocation, or suspension for at least 6 months, of the driver's license of any person who is convicted, after the enactment of such law, of—

''(I) any violation of the Controlled Substances Act, or

''(II) any drug offense; and

''(ii) a delay in the issuance or reinstatement of a driver's license to such a person for at least 6 months after the person applies for the issuance or reinstatement of a driver's license if the person does not have a driver's license, or the driver's license of the person is suspended, at the time the person is so convicted.

''(F) GRADUATED LICENSING.—The State has adopted an effective three state graduated licensing system for young drivers, as determined by the Secretary, that includes drug use and drugged driving provisions.

''(G) ACTIVE ENFORCEMENT AND PUBLICITY.—The State provides for active enforcement and publicity, as determined by the Secretary, of drugged driving laws.

''(H) DRUG INTERVENTION.—The State has in effect a system, that provides for an assessment of persons determined to have been operating a motor vehicle under the influence of or impaired by a drug or controlled substance, as determined by the Secretary, and referral to drug education, counseling, and treatment, as appropriate.

''(I) DRUG EDUCATION.—The State as adopted an effective educational program, as determined by the Secretary, under which drug information is provided to persons who apply for and who renew their driver's licenses, and drug-related questions are included on drivers' license examinations.

''(2) GRANT AMOUNT.—The amount of a grant made for drugged driving countermeasures for any fiscal year to any eligible State shall not be more than 20 percent of the amount apportioned to the State for fiscal year 1997 under Section 402 of this title.

''(3) DEFINITIONS.—For the purposes of this subsection—

''(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.''.

Strike ''Section 3103, Authorization of Appropriations'' and insert in its place the following:

''SEC. 3103. AUTHORIZATIONS OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) CONSOLIDATED STATE HIGHWAYS 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 subsections (l) and (m) of that section—

(i) $166,700,000 for fiscal year 1998;
(ii) $166,700,000 for fiscal year 1999;
(iii) $166,700,000 for fiscal year 2000;
(iv) $166,700,000 for fiscal year 2001;
(v) $166,700,000 for fiscal year 2002; and
(vi) $171,034,000 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) $44,000,000 for fiscal year 1998;
(ii) $39,000,000 for fiscal year 1999;
(iii) $39,000,000 for fiscal year 2000;
(iv) $39,000,000 for fiscal year 2001;
(v) $49,000,000 for fiscal year 2002; and
(vi) $50,170,000 for fiscal year 2003.

Amounts made available to carry out section 402(l) of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 402(l) of section 402 of title 23, United States Code, to subsections (m) and (n) of section 402 and of section 410 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) $20,000,000 for fiscal year 1998;
(ii) $20,000,000 for fiscal year 1999;
(iii) $20,000,000 for fiscal year 2000;
(iv) $20,000,000 for fiscal year 2001;
(v) $22,000,000 for fiscal year 2002; and
(vi) $22,312,000 for fiscal year 2003.

Amounts made available to carry out section 410 of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 410 of title 23, United States Code, 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.

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

(i) $12,000,000 for fiscal year 1998;
(ii) $12,000,000 for fiscal year 1999;
(iii) $12,000,000 for fiscal year 2000; and
(iv) $12,000,000 for fiscal year 2001.

Amounts made available to carry out section 402(m) of title 23, United States Code, are authorized to remain available until expended.

(E) To carry out the drugged driving countermeasures incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration, $5,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and $5,130,000 for fiscal year 2003. Amounts made available to carry out subsection (n) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (n) to subsections (l) and (m) of section 402 and of section 410 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 RESEARCH AND DEVELOPMENT.—For carrying out the functions of the Secretary, by the National Highway traffic Safety Administration, for highway safety research and development under section 403 of title 23, United States Code, there are authorized to be appropriated $73,100,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 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—

(A) $2,300,000 for fiscal year 1998;
(B) $2,300,000 for fiscal year 1999;
(C) $2,300,000 for fiscal year 2000;
(D) $2,300,000 for fiscal year 2001;
(E) $2,300,000 for fiscal year 2002; and
(F) $2,360,000 for fiscal year 2003.''.

AMENDMENT NO. 1832

At the appropriate place insert the following:

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. 1833

On page 129, beginning with line 1, strike through line 23 on page 133 and insert the following:

shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

''(2) DECLARATION OF EMERGENCY.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

''(A) in the area covered by an emergency declaration under this paragraph; and

''(B) for a period of not more than 30 days designated in that declaration,

ssued by an elected State or local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

''(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

''(A) a utility service vehicle driver to which the declaration applied; or

''(B) a utility service vehicle to the driver of which the declaration applied.

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

''(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

''(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).''.

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

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

(A) COMMERCIAL DRIVER'S LICENSE.—The term ''commercial driver's license'' has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term ''driver of a utility service vehicle'' has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term ''regulation'' has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

AMENDMENT NO. 1834

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

''§ 5117. Special permits, pilot programs, and exclusions'';

(2) by striking ''exemption'' each place it appears and inserting ''special permit'';

(3) by inserting ''authorization variances'' after ''special permit'' the first place it appears in subsection (a), as amended by paragraph (2) of this subsection;

(4) by striking ''2'' in subsection (a)(2) and inserting ''4'';

(5) by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following:

(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

''(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter. The Secretary may carry out pilot programs unless the Secretary determines pilot programs would pose an undue risk to public health and safety.

''(2) SAFETY LEVELS.—In carrying out a pilot project under this subsection, 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 chapter.

''(3) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.''.

(b) Section 5119(c) is amended by adding at the end 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, pilot programs, and exclusions.''.

ALLARD (AND GRAMS) AMENDMENT NO. 1835

(Ordered to lie on the table.)

Mr. ALLARD (for himself and Mr. GRAMS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1835

On page ____, strike lines ____ through ____, and insert the following:

''(5) Remaining amounts shall be apportioned in urbanized areas eligible for assistance under section 5336(b)(2)(A) that are not described in paragraph (1) of this subsection, if the areas contain fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available, and in any urbanized area if, before the first day of that fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.''.

At the appropriate place, insert the following:

SEC. ____. ALLOCATION OF CAPITAL INVESTMENT GRANTS AND LOANS FOR NEW STARTS.

Section 5309(m)(1)(B) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: '', of which any amount in excess of $760,000,000 is available exclusively for projects for new fixed guideway systems, and extensions to existing fixed guideway systems placed in revenue service not more than 15 years before the fiscal year for which amounts are made available''.

COATS AMENDMENTS NOS. 1836–1837

(Ordered to lie on the table.)

Mr. COATS submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1836

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ALLOCATIONS.—

(A) GARY, INDIANA.—Notwithstanding any other provision of this subsection, the Secretary shall allocate $8,000,000 in each of fiscal years 1999, 2000, 2001, 2002 and 2003 of the funds made available to carry out the program to the State of Indiana to be used for projects that are—

(i) eligible for funding under this subsection; and

(ii) carried out in the standard metropolitan statistical area that includes Gary, Indiana (as determined by the Secretary of Commerce).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike ''(6)'' and insert ''(7)'';

(2) on page 13, line 14, strike ''(7)'' and insert ''(8)'';

(3) on page 13, line 20, strike ''$360,000,000'' and insert ''$368,000,000''; and

(4) on page 14, line 1, strike ''(8)'' and insert ''(9)''.

On page 415, strike lines 10 through 15 and insert the following:

''(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $93,000,000 for fiscal year 1999, $96,000,000 for fiscal year 2000, $99,000,000 for fiscal year 2001, $102,000,000 for fiscal year 2002, and $106,000,000 for fiscal year 2003.''

AMENDMENT NO. 1837

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ALLOCATIONS.—

(A) GARY, INDIANA.—Notwithstanding any other provision of this subsection, the Secretary shall allocate $8,000,000 in each of fiscal years 1999, 2000, 2001, 2002 and 2003 of the funds made available to carry out the program to the State of Indiana to be used for projects that are—

(i) eligible for funding under this subsection; and

(ii) carried out in the standard metropolitan statistical area that includes Gary, Indiana (as determined by the Secretary of Commerce).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike ''(6)'' and insert ''(7)'';

(2) on page 13, line 14, strike ''(7)'' and insert ''(8)'';

(3) on page 13, line 20, strike ''$360,000,000'' and insert ''$368,000,000''; and

(4) on page 14, line 1, strike ''(8)'' and insert ''(9)''.

SPECTER (AND MOYNIHAN) AMENDMENT NO. 1838

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. MOYNIHAN) submitted an amendment

intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 115, strike lines 12 through 16 and insert the following:

''(f) PROJECT SELECTION.—

''(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

(A) 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 or more eligible projects to receive financial assistance for pre-construction planning activities, including—

''(i) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as are required under state law;

''(ii) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

''(iii) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

''(B) Notwithstanding section (a)(1) of this section, eligible project costs shall include the cost of pre-construction planning activities.

''(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of pre-construction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities.''

SPECTER AMENDMENT NO. 1839

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 115, strike lines 12 through 16 and insert the following:

''(f) PROJECT SELECTION.—

''(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

(A) 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 or more eligible projects to receive financial assistance for pre-construction planning activities, including—

''(i) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as are required under state law;

''(ii) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

''(iii) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

''(B) There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this paragraph $25,000,000 for each of fiscal years 1999 and 2000, in addition to any funds authorized to be appropriated under subsection (h) of this section. Funds made available under this paragraph shall remain available until expended.

''(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of pre-construction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities.''

SPECTER (AND OTHERS) AMENDMENT NO. 1840

(Ordered to lie on the table.)

Mr. SPECTER (for himself, Mr. SANTORUM, and Ms. MOSELEY-BRAUN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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

SEC. . JOB ACCESS AND REVERSE COMMUTE GRANTS.

(a) FINDINGS.—Congress finds that—

(1) two-thirds of all new jobs are in the suburbs, whereas three-quarters of welfare recipients live in rural areas or central cities;

(2) even in metropolitan areas with excellent public transit systems, less than half of the jobs are accessible by transit;

(3) in 1991, the median price of a new car was equivalent to 25 weeks of salary for the average worker, and considerably more for the low-income worker;

(4) not fewer than 9,000,000 households and 10,000,000 Americans of driving age, most of whom are low-income workers, do not own cars;

(5) 94 percent of welfare recipients do not own cars;

(6) nearly 40 percent of workers with annual incomes below $10,000 do not commute by car;

(7) many of the 2,000,000 Americans who will have their Temporary Assistance to Needy Families grants (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) terminated by the year 2002 will be unable to get to jobs they could otherwise hold;

(8) increasing the transit options for low-income workers, especially those who are receiving or who have recently received welfare benefits, will increase the likelihood of those workers getting and keeping jobs; and

(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities.

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5320 the following:

''§ 5320a. Access to jobs

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term 'eligible low-income individual' means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

''(2) ELIGIBLE PROJECT.—The term 'eligible project' means—

''(A) ACCESS TO JOBS PROJECTS.—a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

''(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

''(ii) promoting the use of transit by workers with nontraditional work schedules;

''(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

''(iv) promoting the use of employer-provided transportation including the transit pass benefit under subsections (a) and (f) of section 132 of title 26; or

''(B) REVERSE COMMUTE PROJECTS.—a project related to the development of transportation services designed to transport individuals to suburban employment opportunities from urban, urbanized, or nonurbanized areas. Amounts made available to a grant recipient under this section for reverse commute projects may be used—

''(i) to subsidize the costs associated with adding reverse commute bus or rail routes or service to suburban workplaces;

''(ii) to subsidize the purchase or lease by a private employer, nonprofit organization, or public agency of a van or bus dedicated to shuttling employees from their residences in urban, urbanized, or nonurbanized areas to a suburban workplace; and

''(iii) to otherwise facilitate the provision of mass transportation services to suburban employment opportunities to residents of urban, urbanized, or nonurbanized areas.

''(3) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term 'existing transportation service providers' means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from federal, state, or local sources for nonemergency transportation services.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(5) QUALIFIED ENTITY.—The term 'qualified entity' means—

''(A) with respect to any proposed eligible project in an urbanized area with a population of not less than 200,000, the entity or entities selected by the appropriate metropolitan planning organization, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations; and

''(B) with respect to any proposed eligible project in an urbanized area with a population of less than 200,000, or an area other than an urbanized area, the entity or entities selected by the chief executive officer of the State in which the area is located, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations.

''(6) WELFARE RECIPIENT.—The term 'welfare recipient' means an individual who receives or received aid or assistance under a state program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2110)) at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

''(b) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Secretary may make access to jobs grants and reverse commute grants under this section to assist qualified entities in financing eligible projects.

''(2) COORDINATION.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

''(c) APPLICATIONS.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish by regulation.

''(d) PROHIBITION.—Grants awarded under this section may not be used for planning or coordination activities.

''(e) FACTORS FOR CONSIDERATION.—In awarding grants under this section to applicants under subsection (c), the Secretary shall consider—

''(1) the percentage of the population in the area to be served by the applicant that are welfare recipients;

''(2) in the case of access to jobs projects, the need for additional services in the area to be served by the applicant to transport welfare recipients and eligible low-income individuals to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs;

''(3) the extent to which the applicant demonstrates coordination with, and the financial commitment of, existing transportation service providers;

''(4) the extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands transit networks or hours of service, or both;

''(5) the extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs;

''(6) the extent to which the applicant—

''(A) in the case of access to jobs projects, presents a regional transportation plan for addressing the transportation needs of welfare recipients and eligible low-income individuals; and

''(B) identifies long-term financing strategies to support the services under this section;

''(7) the extent to which the applicant demonstrates that the community to be served has been consulted in the planning process; and

''(8) in the case of reverse commute projects, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities and the extent to which the proposed services will address those needs.

''(f) FEDERAL SHARE OF COSTS.—

''(1) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

''(2) NONGOVERNMENTAL SHARE.—The portion of the total cost of an eligible project that is not funded under this section—

''(A) shall be provided in cash from sources other than revenues from providing mass transportation; and

''(B) may be derived from amounts made available to a department or agency of the Federal Government (other than the Department of Transportation) that are eligible to be expended for transportation.

''(g) PLANNING REQUIREMENTS.—

''(1) IN GENERAL.—The requirements of section 5303 through 5306 apply to any grant made under this section.

''(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed must be part of a coordinated public transit-human services transportation planning process.

''(h) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

''(1) all of the terms and conditions to which a grant made under section 5307 is subject; and

''(2) such other terms and conditions as determined by the Secretary.

''(i) PROGRAM EVALUATION.—

''(1) COMPTROLLER GENERAL.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Comptroller General of the United States shall—

''(A) conduct a study to evaluate the grant program authorized under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of each study under subparagraph (A).

''(2) DEPARTMENT OF TRANSPORTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

''(A) conduct a study to evaluate the access to jobs and reverse commute project grant program authorized under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

''(j) FUNDING: ALLOCATION.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 1998 through 2003, of which $150,000,000 shall be authorized for access to jobs projects and $100,000,000 shall be authorized for reverse commute projects. Such amounts shall remain available until expended.

''(2) ALLOCATION.—The amount made available to carry out this section in each fiscal year shall be allocated as follows:

''(A) 60 percent shall be allocated for eligible projects in urbanized areas with populations of not less than 200,000.

''(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of less than 200,000.

''(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.''.

(2) Conforming Amendment.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5320 the following: ''5320a. Access to jobs.''.

CHAFEE AMENDMENT NO. 1841

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 8, lines 4 and 5, strike ''authorized to be appropriated'' and insert ''made available''.

On page 20, strike lines 11 through 21 and insert the following:

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) 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.''.

On page 33, line 20, strike ''104(b)(2)'' and insert ''104(b)(3)''.

On page 34, line 15, strike ''104(b)(2)'' and insert ''104(b)(3)''.

On page 35, line 11, strike ''104(b)(1)(A)'' and insert ''104(b)(1)''.

On page 38, between lines 17 and 18, insert the following:

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

Beginning on page 38, strike line 24 and all that follows through page 39, line 4, and insert the following:

(1) $21,500,000,000 for fiscal year 1998;
(2) $28,462,000,000 for fiscal year 1999;
(3) $28,894,000,000 for fiscal year 2000;
(4) $29,334,000,000 for fiscal year 2001;
(5) $29,800,000,000 for fiscal year 2002; and
(6) $30,319,000,000 for fiscal year 2003.

On page 39, line 11, strike ''2003'' and insert ''2007''.

On page 41, lines 20 and 21, strike ''authorized to be appropriated'' and insert ''made available''.

On page 47, line 4, strike ''authorized to be appropriated'' and insert ''made available''.

On page 51, line 22, insert '', by rule,'' after ''develop''.

On page 74, strike lines 14 through 23 and insert the following:

''(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—

''(A) IN GENERAL.—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—

''(i) $8,000,000 for development of the system; and

''(ii) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.

''(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A) shall not be available in advance of an annual appropriation.''.

On page 79, line 15, insert ''(a) IN GENERAL.—'' before ''Section''.

On page 82, between lines 9 and 10, insert the following:

(b) TECHNICAL AMENDMENTS.—

(1) Section 104(f)(3) of title 23, United States Code, is amended in the second sentence by striking ''section 120(j) of this title'' and inserting ''section 120''.

(2) Section 130(a) of title 23, United States Code, is amended—

(A) in the first sentence, by striking ''Except as provided in subsection (d) of section 120 of this title'' and inserting ''Subject to section 120''; and

(B) in the second sentence, by striking ''except as provided in subsection (d) of section 120 of this title'' and inserting ''subject to section 120''.

On page 116, strike lines 21 through 23 and insert the following:

''(B) AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other

On page 117, between lines 3 and 4, insert the following:

''(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

On page 120, strike lines 2 through 5 and insert the following:

under section 412;

''(C) require that—

''(i)(I) the Project include not more than 12 traffic lanes, of which 2 lanes shall be exclusively for use by high occupancy vehicles, express buses, or rail transit; and

''(II) the design, construction, and operation of the Project reflect the requirements of subclause (I);

''(ii) all provisions described in the environmental impact statement for the Project or the record of decision for the Project (including in the attachments to the statement and record) for mitigation of environmental and other impacts of the Project be implemented; and

''(iii) the Authority and the Capital Region jurisdictions develop a process to fully integrate affected local governments, on an ongoing basis, in the process of carrying out the engineering, design, and construction phases of the project, including planning for implementing the provisions described in clause (ii); and

''(D) contain such other terms and conditions as the Secretary determines to be appropriate.''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 5, line 19, strike ''$3,587,000,000'' and insert ''$3,603,000,000''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 7, line 10, strike ''equal to or''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 22, insert ''at least 50 percent'' before ''greater''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 23, before the period, insert the following: ''(as determined on the basis of the 1990 Federal census)''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 14, line 11, strike ''equal to or''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 16, line 13, strike ''equal to or''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 8, strike ''equal to or''.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 14, strike ''45'' and insert ''40''.

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking ''agency of a Federal, State, or local government'' and inserting ''agency of the Federal Government'';

On page 150, between lines 16 and 17, insert the following:

SEC. 12___. ENGINEERING COST REIMBURSEMENT.

Section 102(b) of title 23, United States Code, is amended in the first sentence by inserting before the period at the end the following: ''unless, before the end of the 10-year period, the State requests a longer period for commencement of the construction or acquisition and the Secretary determines that the request is reasonable''.

On page 190, line 14, insert ''related to surface transportation'' after ''project''.

On page 220, lines 4 and 5, strike ''authorized to be appropriated'' and insert ''made available''.

Beginning on page 234, strike line 24 and all that follows through page 235, line 8, and insert the following:

fiscal year, the excess amounts shall be allocated as follows:

''(A) 50 percent to be apportioned to the States in the same manner in which funds are apportioned under section 402(c).

''(B) 50 percent to be allocated by the Secretary under section 403 through cooperative agreements with States to carry out innovative programs to promote increased seat belt use rates.

On page 246, at the end of line 6, add the following: ''State wildlife agency, wetland conservation group, land trust, or''.

On page 369, line 2, before the period, insert the following: '', of which not less than $500,000 shall be made available to carry out the study under section 511''.

On page 375, line 6, strike ''2 years'' and insert ''5 years''.

On page 375, strike lines 13 through 15 and insert the following:

SEC. 2016. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.

On page 375, strike lines 19 and 20 and insert the following:

''§ 310. Advanced vehicle technologies program

On page 378, strike lines 8 through 11 and insert the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1998 through 2003, to remain available until expended.

''(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.''.

On page 378, strike the item between lines 15 and 16 and insert the following:

''310. Advanced vehicle technologies program.''.

On page 381, strike lines 4 through 6 and insert the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1998 through 2003.

''(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.''.

On page 385, line 1, add ''deployment of'' at the end.

On page 399, line 19, strike ''or'' and insert ''and''.

On page 402, line 16, strike ''and''.

On page 402, line 18, strike the period and insert ''; and''.

On page 402, between lines 18 and 19, insert the following:

''(v) developing and implementing unobtrusive eyetracking technology.

On page 159, between lines 6 and 7, insert the following:

(d) DEFINITION OF TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining ''transportation enhancement activities''—

(1) by striking ''scenic or historic highway programs,'' and inserting ''scenic or historic highway programs (including the provision of tourist and welcome center facilities),''

BREAUX (AND LANDRIEU) AMENDMENT NO. 1842

(Ordered to lie on the table.)

Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill insert the following new section Set-Aside for Intermodal Projects:

''SEC. —. SET-ASIDE FOR INTERMODAL PROJECTS.

''(1) IN GENERAL.—Before any apportionment is made under section 104(b)(1) of this title, the Secretary shall set aside $100,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002 and 2003 for obligation by the Secretary for intermodal projects. Such funds shall be made available by the Secretary to any State applying for such funds, if the Secretary determines that—

''(A) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(1) of this title other than an amount which, by itself, is insufficient to pay the Federal share of the cost of an intermodal project; and

''(B) the applicant is willing and able to—

''(i) obligate the funds within one year of the date the funds are made available;

''(ii) apply the funds to a ready-to-commence project; and

''(iii) in the case of construction work, begin work within 90 days of obligation.

''(2) PRIORITY CONSIDERATION FOR CERTAIN INTERMODAL PROJECTS.—In selecting projects to fund under paragraph (1) of this section, the Secretary shall give priority consideration to any project the cost of which exceeds $5,000,000; (2) combines elements of air, rail, road, or water transportation; and (3) is coordinated by the State in conjunction with a regional planning agency.

''(3) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this section shall remain available until expended.''.

ABRAHAM (AND LEVIN) AMENDMENT NO. 1843

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 140, strike line 20 and all that follows and insert the following:

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

''(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

''§ 323. Donations and credits.''.

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

''108. Advance acquisition of real property.''; and

(B) by striking the item relating to section 323 and inserting the following:

''323. Donations and credits.''.

CONRAD AMENDMENTS NOS. 1844–1847

(Ordered to lie on the table.)

Mr. CONRAD submitted four amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1844

On page 156, strike lines 19 and 20 and insert the following:

(A) in paragraph (2), by striking ''10 percent'' and inserting ''8 percent (or, in the case of a State that is in attainment with respect to all national ambient air quality standards under the Clean Air Act (42 U.S.C. 7401 et seq.), 5 percent)''; and

AMENDMENT NO. 1845

On page 51, line 22, insert '', by rule,'' after ''develop''.

AMENDMENT NO. 1846

On page 46, line 15, strike ''and trails'' and insert ''trails, and dikes that protect roads

or serve as roads (including reconstruction to raise the height of a bridge)''.

AMENDMENT NO. 1847

On page 46, line 15, strike ''and trails'' and insert ''trails, and dikes that protect roads or serve as roads (including reconstruction to raise the height of a bridge) or to provide State of local matching funds for any Federally authorized transportation project for which matching funds are required''.

ABRAHAM AMENDMENTS NOS. 1848–1855

(Ordered to lie on the table.)

Mr. ABRAHAM submitted eight amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1848

At the appropriate place, insert the following:

SEC. ___. WELFARE TO WORK FUNDS.

(a) CAPITAL PROJECTS.—Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for—

(1) capital projects (as that term is defined in section 5302(a) of title 49, United States Code); and

(2) the operating costs of equipment, facilities, and associated capital maintenance items, for use in mass transportation (as that term is defined in section 5302(a) of title 49, United States Code).

(b) NON-FEDERAL SHARE OF NET PROJECT COST.—Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for capital projects (as that term is defined in section 5302(a) of title 49, United States Code).''.

AMENDMENT NO. 1849

At the appropriate place, insert the following:

SEC. ___. WELFARE TO WORK FUNDS FOR CAPITAL PROJECTS.

Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for capital projects (as that term is defined in section 5302(a) of title 49, United States Code).

AMENDMENT NO. 1850

At the appropriate place, insert the following:

SEC. ___. WELFARE TO WORK FUNDS FOR OPERATING EXPENSES.

Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for the operating costs of equipment, facilities, and associated capital maintenance items, for use in mass transportation (as that term is defined in section 5302(a) of title 49, United States Code).

AMENDMENT NO. 1851

At the appropriate place, insert the following:

SEC. ___. WELFARE TO WORK ELIGIBILITY.

Section 5307(e) of title 49, United States Code, as amended by this title, is amended by inserting after ''new capital.'' the following: ''Notwithstanding any other provision of this section or section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)), funds provided under a grant made under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used by a recipient of a grant under this section (for a capital project or for operating expenses) to provide the non-federal share of the net project cost.''.

AMENDMENT NO. 1852

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

SEC. 34___. HOURS OF SERVICE.

Section 345(e)(2) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note) is amended by inserting ''or for the facility or location to which the driver is assigned'' before the period.

AMENDMENT NO. 1853

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

SEC. 34___. TRANSPORTATION OF CONSTRUCTION MATERIALS EQUIPMENT.

Section 345(e)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note) is amended by striking ''50 air mile radius of the normal'' and inserting ''100 air mile radius of the assigned''.

AMENDMENT NO. 1854

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

SEC. 34___. HOURS OF SERVICE.

Section 345(e) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note) is amended—

(1) in paragraph (2), by inserting ''or for the facility or location to which the driver is assigned'' before the period; and

(2) in paragraph (4), by striking ''50 air mile radius of the normal'' and inserting ''100 air mile radius of the assigned''.

AMENDMENT NO. 1855

On page 136, after line 22, add the following:

SEC. 11___. NATIONAL DEFENSE HIGHWAY PROGRAM.

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

(1) by striking ''Funds made available'' and inserting the following:

''(a) DEFINITION OF BASE CLOSURE.—In this section, the term 'base closure' means the closure of a military installation under—

''(1) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102–510; 104 Stat. 1808; 10 U.S.C. 2687 note); or

''(2) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

''(b) USE OF ADMINISTRATIVE FUNDS.—Funds made available'';

(2) by striking ''construction of projects for'' and inserting the following: ''construction of—

''(1) projects for''; and

(3) by striking ''may designate. With the consent'' and inserting the following: ''may designate; and

''(2) transportation projects associated with the economic redevelopment of real property that was the subject of a base closure.

''(c) USE OF APPORTIONED FUNDS.—With the consent''.

ABRAHAM AMENDMENT NO. 1856

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. MACK, Mr. KOHL, Mr. GRAHAM, Mr. LEVIN, and Mr. COATS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684, on page 1, strike all after line 1 through page 5, line 6, and insert the following:

SEC. 11. ADDITIONAL FUNDING.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments an allocation under section 104 and 105(a) of title 23, United States Code, and section 1102 (c) of this Act, the Secretary shall apportion, in accordance with paragraph (2), the funds made available by paragraph (3) among the donor states in the ratio that—

(A) the rate of contribution of each donor State determined under subparagraph (b); bears to

(B) the sum of the rates of contribution of all donor States.

(2) DISTRIBUTION OF FUNDS.—

(A) DEFINITION OF DONOR STATE.—In this Section, the term ''donor State'' means each of the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

(B) RATE OF CONTRIBUTION.—The rate of contribution of a donor state shall be equal to the quotient obtained by dividing—

(i) the estimated tax payments attributed to the highway users in the donor State paid in the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; by

(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003.

ABRAHAM AMENDMENTS NOS. 1857–1863

(Ordered to lie on the table.)

Mr. ABRAHAM submitted seven amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1857

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. BLOCK GRANT ACCOUNT.

Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund), as amended by section 901(d) of the Taxpayer Relief Act of 1997, is amended by adding at the end the following:

''(f) ESTABLISHMENT OF BLOCK GRANT ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate account to be known as the 'Block Grant Account', consisting of such amounts as may be transferred or credited to the Block Grant Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO BLOCK GRANT ACCOUNT.—

''(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Block Grant Account the block grant portion of the amounts appropriated to the Highway Trust

Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after September 30, 1997.

''(B) BLOCK GRANT PORTION.—For purposes of subparagraph (A), the term 'block grant portion' means an amount determined at the rate of .3 cent for each gallon with respect to which tax was imposed under section 4041 or 4081.

''(3) EXPENDITURES FROM ACCOUNT.—

''(A) IN GENERAL.—The applicable percentage of the amounts in the Block Grant Account shall be available, as provided by appropriation Acts, to each State for making expenditures after September 30, 1997, for projects which are or would otherwise be funded under the Intermodal Surface Transportation Efficiency Act of 1997.

''(B) APPLICABLE PERCENTAGE.—The applicable percentage for any State in any fiscal year is the State's percentage of the total expenditures allocated to all States from the Highway Trust Fund (other than the Block Grant Account) for the preceding fiscal year.

''(C) ENFORCEMENT.—If the Secretary determines that a State has used funds under this paragraph for a purpose that is not described in subparagraph (A), the amount of the improperly used funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''.

AMENDMENT NO. 1858

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, between lines 19 and 20, insert the following:

(g) DONOR STATE EQUITY GUARANTEE PROGRAM.—

(1) ALLOCATIONS.—

(A) DEFINITION OF DONOR STATE.—In this paragraph, the term ''donor State'' means each of the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

(B) ALLOCATION OF FUNDS.—For each of fiscal years 1999 through 2003, the Secretary shall allocate the funds made available by paragraph (3) among the donor States in the ratio that—

(i) the rate of contribution of each donor State determined under subparagraph (C); bears to

(ii) the sum of the rates of contribution of all donor States.

(C) RATE OF CONTRIBUTION.—The rate of contribution of a donor State shall be equal to the quotient obtained by dividing—

(i) the estimated tax payments attributable to highway users in the donor State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; by

(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $2,000,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

(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.

AMENDMENT NO. 1859

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 beginning on page 5, strike line 15 and all that follows through page 18, line 19, and insert the following:

$1,346,000,000 for fiscal year 1999, $1,634,000,000 for fiscal year 2000, $1,881,000,000 for fiscal year 2001, $1,831,000,000 for fiscal year 2002, and $1,587,000,000 for fiscal year 2003.

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

(b) OTHER ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in addition to the amounts authorized to be appropriated under section 1116(d)(5), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) $90,000,000 for each of fiscal years 1999 through 2003; and

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in, that amendment $378,000,000 for each of fiscal years 1999 through 2003, except that the funds made available under this subparagraph, notwithstanding section 118(e)(1)(C)(v) of title 23, United States Code, and section 201(g)(1)(B) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

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

(3) LIMITATION.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(c) HIGH DENSITY TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—There is established the high density transportation program (referred to in this subsection as the ''program'') to provide funding to States that have higher-than-average population density.

(2) DETERMINATIONS.—

(A) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each of fiscal years 1999 through 2003, the Secretary shall determine for each State and the fiscal year—

(i) the population density of the State;

(ii) the total vehicle miles traveled on lanes on Federal-aid highways in the State during the latest year for which data are available;

(iii) the ratio that—

(I) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(II) the total lane miles on all Federal-aid highways in the State; and

(iv) the quotient obtained by dividing—

(I) the sum of—

(aa) the amounts apportioned to the State 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;

(bb) the amounts allocated to the State under the minimum guarantee program under section 105 of that title; and

(cc) the amounts apportioned to the State under section 1102(c) of this Act 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) NATIONAL AVERAGE.—Using the data determined under subparagraph (A), the Secretary shall determine the national average with respect to each of the factors described in clauses (i) through (iv) of subparagraph (A).

(3) ELIGIBILITY CRITERIA.—A State shall be eligible to receive funding under the program if—

(A) the amount determined for the State under paragraph (2)(A) with respect to each factor described in clauses (i) through (iii) of paragraph (2)(A) is greater than the national average with respect to the factor determined under paragraph (2)(B); and

(B) the amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(4) DISTRIBUTION OF FUNDS.—

(A) AVAILABILITY TO STATES.—For each fiscal year, except as provided in subparagraph (D), each State that meets the eligibility criteria under paragraph (3) shall receive a portion of the funds made available to carry out the program that is—

(i) not less than $36,000,000; but

(ii) not more than 15 percent of the funds.

(B) STATE NOTIFICATION.—On October 1, or as soon as practicable thereafter, of each fiscal year, the Secretary shall notify each State that meets the eligibility criteria under paragraph (3) that the State is eligible to apply for funding under the program.

(C) PROJECT PROPOSALS.—

(i) SUBMISSION.—

(I) IN GENERAL.—After receipt of a notification of eligibility under subparagraph (B), to receive funds under the program, a State, in consultation with the appropriate metropolitan planning organizations, shall submit to the Secretary proposals for projects aimed at improving mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(II) TOTAL COST OF PROJECTS.—The estimated total cost of the projects proposed by each State shall be equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A).

(ii) SELECTION.—The Secretary shall select projects for funding under the program based on factors determined by the Secretary to reflect the degree to which a project will improve mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(iii) DEADLINES.—The Secretary may establish deadlines for States to submit project proposals, except that in the case of fiscal year 1998 the deadline may not be earlier than July 1, 1998.

(D) REDISTRIBUTION OF FUNDS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (C)(iii), applications for projects with an estimated total cost equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A), the Secretary may redistribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times

the amount that the State is eligible to receive.

(5) OTHER ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than the population density of the United States.

(B) THROUGH TRUCK TRAFFIC.—The quotient obtained by dividing—

(i) the annual quantity of through truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary); by

(ii) the annual quantity of total truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary);

is greater than 0.60.

(6) ELIGIBLE PROJECTS.—Funds made available to carry out the program may be used for any project eligible for funding under title 23, United States Code, or this Act.

(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 $360,000,000 for each of fiscal years 1999 through 2003.

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

(8) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(d) BONUS PROGRAM.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, after making apportionments and allocations under section 1102 and the amendments made by that section, the Secretary shall allocate to each of the States listed in the following table the amount specified for the State in the following table:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$4,969	$11,021	$11,093	$11,169	$11,253	$11,352
Arizona	$3,864	$14,418	$14,474	$14,533	$14,598	$14,676
California	$10,353	$47,050	$48,691	$48,094	$39,345	$35,119
Florida	$11,457	$30,175	$30,342	$30,518	$30,710	$30,940
Georgia	$8,723	$19,347	$19,474	$19,608	$19,754	$19,930
Illinois	$8,277	$21,800	$21,921	$22,048	$22,187	$22,353
Indiana	$6,052	$22,580	$22,668	$22,761	$22,862	$22,984
Kentucky	$4,316	$9,573	$9,636	$9,703	$9,775	$9,862
Maryland	$3,749	$4,202	$4,257	$4,314	$4,377	$4,452
Michigan	$7,849	$29,286	$29,400	$29,521	$29,652	$29,810
North Carolina	$7,032	$15,597	$15,700	$15,808	$15,925	$16,067
Ohio	$8,567	$9,601	$9,726	$9,858	$10,001	$10,173
Pennsylvania	$5,409	$4,174	$60	$0	$0	$0
South Carolina	$3,953	$12,966	$13,023	$13,084	$13,150	$13,230
Tennessee	$5,631	$12,490	$12,572	$12,658	$12,752	$12,866
Texas	$17,129	$63,908	$64,157	$64,421	$64,707	$65,052
Virginia	$6,368	$14,124	$14,217	$14,315	$14,421	$14,549
Wisconsin	$4,520	$16,864	$16,929	$16,999	$17,075	$17,165

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) 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 necessary to carry out this subsection.

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

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(e) FEDERAL LANDS HIGHWAYS PROGRAM.—

(1) IN GENERAL.—In addition to the amounts made available under section 1101(4), there shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

(A) for Indian reservation roads under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003;

(B) for parkways and park roads under section 204 of title 23, United States Code, $70,000,000 for each of fiscal years 1999 through 2003, of which $20,000,000 for each fiscal year shall be available to maintain and improve public roads that provide access to or within units of the National Wildlife Refuge System; and

(C) for public lands highways under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003.

(2) 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 necessary to carry out this subsection.

(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.

(3) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-

aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM ALLOCATIONS.—In allocating funds under section 104(k) of title 23, United States Code, the Secretary shall give preference to States—

(1) with respect to which at least 45 percent of the bridges in the State are functionally obsolete and structurally deficient; and

(2) that do not receive assistance made available under subsection (b)(1)(B) or funding under subsection (c).

(g) DONOR STATE EQUITY GUARANTEE PROGRAM.—

(1) ALLOCATIONS.—

(A) DEFINITION OF DONOR STATE.—In this paragraph, the term ''donor State'' means each of the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

(B) ALLOCATION OF FUNDS.—For each of fiscal years 1999 through 2003, the Secretary shall allocate the funds made available by paragraph (3) among the donor States in the ratio that—

(i) the rate of contribution of each donor State determined under subparagraph (C); bears to

(ii) the sum of the rates of contribution of all donor States.

(C) RATE OF CONTRIBUTION.—The rate of contribution of a donor State shall be equal to the quotient obtained by dividing—

(i) the estimated tax payments attributable to highway users in the donor State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; by

(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $2,000,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

(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.

AMENDMENT NO. 1860

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 5, strike lines 15 through 19 and insert the following:

$1,346,000,000 for fiscal year 1999, $1,634,000,000 for fiscal year 2000, $1,881,000,000 for fiscal year 2001, $1,831,000,000 for fiscal year 2002, and $1,587,000,000 for fiscal year 2003.

AMENDMENT NO. 1861

On page 136, after line 22, in the section added by Chafee Amendment No. 1684, on page 9, strike all after ''program if—'' through page 10, line 2, and insert the following:

''(A) the State contains a city that is among the 10 most populated cities in the United States (as determined based on the latest available annual population estimates prepared by the Secretary of Commerce); or

''(B) the State contains any portion of the standard metropolitan statistical area of a city described in subparagraph (A) (as determined by the Secretary of Commerce).''

AMENDMENT NO. 1862

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 9, line 16, strike ''(A)'' and insert ''(A)(i)'';

(2) on page 9, line 22, strike ''(B)'' and insert ''(ii)'';

(3) on page 10, line 2, strike the period and insert a semicolon; and

(4) on page 10, between lines 2 and 3, insert the following:

(B) the State contains a city that is among the 10 most populated cities in the United States (as determined based on the latest available annual population estimates prepared by the Secretary of Commerce); or

(C) the State contains any portion of the standard metropolitan statistical area of a city described in subparagraph (B) (as determined by the Secretary of Commerce).

AMENDMENT NO. 1863

On page 136, after line 22, in the section added by Chafee Amendment No. 1684, strike all after line 1 and insert the following:

SEC. ___. BLOCK GRANT ACCOUNT.

Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund), as amended by section 901(d) of the Taxpayer Relief Act of 1997, is amended by adding at the end the following:

''(f) ESTABLISHMENT OF BLOCK GRANT ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate account to be known as the 'Block Grant Account', consisting of such amounts as may be transferred or credited to the Block Grant Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO BLOCK GRANT ACCOUNT.—

''(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Block Grant Account the block grant portion of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after September 30, 1997.

''(B) BLOCK GRANT PORTION.—For purposes of subparagraph (A), the term 'block grant portion' means an amount determined at the rate of 4.3 cent for each gallon with respect to which tax was imposed under section 4041 or 4081.

''(3) EXPENDITURES FROM ACCOUNT.—

''(A) IN GENERAL.—The applicable percentage of the amounts in the Block Grant Account shall be available, as provided by appropriation Acts, to each State for making expenditures after September 30, 1997, for projects which are or would otherwise be funded under the Intermodal Surface Transportation Efficiency Act of 1997.

''(B) APPLICABLE PERCENTAGE.—The applicable percentage for any State in any fiscal year is the State's percentage of the total expenditures allocated to all States from the Highway Trust Fund (other than the Block Grant Account) for the preceding fiscal year.

''(C) ENFORCEMENT.—If the Secretary determines that a State has used funds under this paragraph for a purpose that is not described in subparagraph (A), the amount of the improperly used funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.''.

LEVIN AMENDMENT NO. 1864

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill add:

SENSE OF THE SENATE.—

It is the sense of the Senate that high density transportation program money should be fairly distributed, and that states such as Indiana and Michigan, and any other states that substantially meet the eligibility criteria under that section should be treated in the same manner as any other state eligible for the high density transportation program.

MOSELEY-BRAUN AMENDMENT NO. 1865

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Security shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether directive or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

MOSELEY-BRAUN (AND DURBIN) AMENDMENT NO. 1866

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 5, strike line 8 and all that follows through page 20, line 10, and insert the following:

(a) IN GENERAL.—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 $11,979,000,000 for fiscal year 1998, $11,808,000,000 for fiscal year 1999, $11,819,000,000 for fiscal year 2000, $11,916,000,000 for fiscal year 2001, $12,242,000,000 for fiscal year 2002, and $12,776,000,000 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.

(b) REDUCTION OF SUMS.—Notwithstanding subsection (a), the sums made available under paragraphs (1) through (3) of subsection (a) shall be reduced on a pro rata basis by the amount necessary to offset the budgetary impact resulting from adoption of the amendment proposed by Ms. Moseley-Braun (No. ____).

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 shipments 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 ½ 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 (but inside the United States), 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 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 ton-miles of through shipments by truck in each State; bears to

''(II) the total ton-miles of through 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 ½ 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 that originates outside a State (but inside the United States), travels through the State, and terminates outside the State.''.

KERREY (AND HAGEL) AMENDMENT NO. 1867

(Ordered to lie on the table.)

Mr. KERREY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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

SEC. 34___. NEBRASKA SUGAR BEET TRANSPORTATION.

Notwithstanding section 127 of title 23, United States Code, the State of Nebraska may allow for the operation of vehicles to transport sugar beets from the field where those sugar beets are harvested to storage, market, factory, or stockpile or from stockpile to storage, market, or factory if that transportation meets applicable mileage requirements under the laws of the State of Nebraska and otherwise meets applicable requirements under State and Federal law.

DEWINE AMENDMENTS NOS. 1868–1869

(Ordered to lie on the table.)

Mr. DEWINE submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1868

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

SEC. 18___. ELIGIBILITY FOR FUNDING OF CUYAHOGA RIVER BRIDGE, OHIO.

Notwithstanding section 149 of title 23, United States Code, or any other provision of law, a project to construct a new bridge over the Cuyahoga River in Cleveland, Ohio, shall be eligible for funds apportioned under section 104(b)(2) of that title.

AMENDMENT NO. 1869

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

SEC. 34___. SCHOOL TRANSPORTATION SAFETY.

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

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

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

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

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

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

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

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

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation; and

(iii) mass transportation operators;

(B) academic and policy analysts; and

(C) other interested parties.

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

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section—

(1) $200,000 for fiscal year 1999; and

(2) $200,000 for fiscal year 2000.

STEVENS AMENDMENT NO. 1870

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Insert at the appropriate place:

23 U.S.C. Section 144 is amended—

(1) in each of subsections (d) and (g)(3) by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''; and

(2) in subsection (d) by inserting ''or such anti-icing or de-icing composition'' after ''such acetate''.

23 U.S.C. Section 133(b)(1) is amended by inserting after ''magnesium acetate'' the following: ''or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions''.

Amend 23 U.S.C. Sec. 119(e) by adding after ''. . . extending Interstate pavement life,'' the following new sentence: ''Specifically approvable hereunder is the application when conditions warrant of environmentally-beneficial minimally corrosive, cost effective anti-icing and deicing compositions to roadways, bridges, and other elevated structures.''

STEVENS (AND OTHERS) AMENDMENT NO. 1871

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. MURKOWSKI, and Mr. BURNS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 104, insert after line 2:

''(h) Notwithstanding any other provision of this section, the Secretary shall grant ten percent of the funds provided in this section to states with over 300 miles of international border and population densities of 10 persons or less per square mile; provided further that no state shall be awarded less than one-half of its percentage of international border with Canada and Mexico.''

STEVENS AMENDMENTS NOS. 1872–1873

(Ordered to lie on the table.)

Mr. STEVENS submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1872

Insert at the appropriate place:

( ) COST-EFFECTIVE TRANSPORTATION REQUIREMENTS.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 in each of fiscal years 1998 through 2003 for the construction of ferry boats, ferry terminal facilities, and approaches to such facilities in accordance with the provisions of section

1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note), at least half of which shall be available for such boats, facilities and approaches within marine highway systems which are part of the National Highway System.

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

AMENDMENT NO. 1873

On page 4, line 6, after ''including'' insert ''cost of road construction in each Bureau of Indian Affairs Area,''

KOHL AMENDMENT NO. 1874

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. GRAHAM, and Mr. MACK) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

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

SEC. 11——.93 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the 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 0.93.

(c) REDUCTION OF SUMS.—The sums made available under all allocated Federal-aid highway programs under this Act and title 23, United States Code (excluding allocations made available under section 1128), shall be reduced on a pro rate basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) OFDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

CONRAD AMENDMENTS NOS. 1875–1878

(Ordered to lie on the table.)

Mr. CONRAD submitted four amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1875

On page 46, line 15, strike ''and trails'' and insert ''trails, and dikes that protect roads or serve as roads (including reconstruction to raise the height of a bridge) or to provide State of local matching funds for any Federally authorized transportation project for which matching funds are required''.

AMENDMENT NO. 1876

On page 46, line 15, strike ''and trails'' and insert ''trails, and dikes that protect roads or serve as roads (including reconstruction to raise the height of a bridge)''.

AMENDMENT NO. 1877

On page 51, line 22, insert '', by rule,'' after ''develop''.

AMENDMENT NO. 1878

On page 156, strike lines 19 and 20 and insert the following:

(A) in paragraph (2), by striking ''10 percent'' and inserting ''8 percent (or, in the case of a State that is in attainment with respect to all national ambient air quality standards under the Clean Air Act (42 U.S.C. 7401 et seq.), 5 percent)''; and

MOYNIHAN AMENDMENTS NOS. 1879–1893

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted 15 amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1879

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

SEC. 18___. SENSE OF SENATE ON BALANCE OF PAYMENTS OF FEDERAL FUNDS.

(a) FINDINGS.—The Senate finds that—

(1) according to the Tax Foundation's Special Report on 1997 Federal Tax Burden by State, 11 States receive less than $0.91 in Federal expenditures per dollar of Federal taxes paid;

(2) the same 11 States have paid $1,200,000,000,000 more to the Federal Government than they have received in Federal spending since 1981; and

(3) the per capita balance of payments deficit in those 11 States has totaled $173,520 since 1981.

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

(1) if it is inequitable for a State to receive less than $0.91 in spending under the Intermodal Surface Transportation Efficiency Act of 1997 for each dollar paid in gasoline taxes, it is also inequitable for a State to receive less than $0.91 in overall Federal spending for each Federal tax dollar paid; and

(2) the Senate should work to ensure that every State will receive not less than $0.91 in direct payments to individuals, grants to State and local governments, procurement contracts, salaries and wages, and other Federal spending for each dollar paid in Federal taxes.

AMENDMENT NO. 1880

On page 104, line 20, amend subsection 1117(b) by inserting the following paragraph at the end thereof:

''(3) CORRIDOR EXTENSION.—Corridor T in New York shall be extended eastward from its present terminus along Route 17 to the border of the Appalachian Region in the vicinity of Roscoe, New York''.

AMENDMENT NO. 1881

On page 21, strike line 8 and all that follows through page 30, line 18, 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) apportionment 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—

(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)(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 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)(C).

(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)(D); 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 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)(C) 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.—

AMENDMENT NO. 1882

Beginning on page 21, strike line 15 and all that follows through page 30, line 18, 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) or (1)(D)(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)(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 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)(C).

(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)(D); 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.

''(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.''

(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 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)(C) 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.—

AMENDMENT NO. 1883

On page 278, delete line 14 and insert the following:

''4321 et seq.)'', provided the metropolitan planning organization has included consideration of at least one alternative plan or program that is designed to maximize use of transportation demand management alternatives.''

AMENDMENT NO. 1884

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. 1885

On page 200, strike lines 3 through 6 and insert the following:

(8) PROJECT.—The term ''project'' means—

(A) a surface transportation project eligible for Federal assistance under title 23 or chapter 53 of title 49, United States Code; and

(B) a project for an international bridge or tunnel, for which an international entity authorized under State or Federal law is responsible.

AMENDMENT NO. 1886

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. 1887

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. 1888

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. 1889

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. 1890

On page 23, line 4, strike ''145'' and substitute ''130'' in lieu thereof:

AMENDMENT NO. 1891

On page 23, line 7, strike ''107'' and substitute ''115'' in lieu thereof:

AMENDMENT NO. 1892

On page 136, after line 22, insert the following:

SEC. 1128. STUDY OF FISCAL RELATIONSHIP BETWEEN FEDERAL GOVERNMENT AND SEVERAL STATES.

(a) STUDY.—The Secretary of the Treasury shall undertake a study of the following issues:

(1) FACTORS IN STATE ALLOCATION FORMULAS.—

(A) IN GENERAL.—The various factors described in subparagraph (B) used in State allocation formulas included in current Federal assistance programs and possible alternative factors described in subparagraph (C), including an analysis of the strengths and weaknesses of such factors and formulas.

(B) CURRENT FACTORS.—Factors described in this subparagraph include—

(i) rolling 3-year average of State per capita income,

(ii) State total taxable resources,

(iii) per capita income squared,

(iv) poverty population, including poverty population 5–17 years old, poverty population under 21, families with incomes between 130 percent and 185 percent of poverty level, children below 130 percent of poverty level, households below 150 percent of poverty level, and rural population in poverty, and

(v) population receiving benefits under a State program funded under part A of title IV of the Social Security Act, adult population receiving such benefits, children 5–17 years old in families above poverty level receiving such benefits.

(C) ALTERNATIVE FACTORS.—Factors described in this subparagraph include—

(i) State gross domestic product,

(ii) the representative tax system,

(iii) the inclusion of user fees in factors based on tax collections,

(iv) poverty measures which reflect State cost-of-living, and

(v) a more accurate measure of State fiscal capacity than State per capita income.

(2) FISCAL CONDITION AND CAPACITY.—The long-term outlook for the fiscal condition and fiscal capacity of Federal, State, and local governments.

(3) IMPACT OF PAYMENTS DEFICIT.—The impact on a State's economy of running a persistent balance of payments deficit with the Federal Government.

(4) MEASURES LEADING TO MORE EQUITABLE RETURNS ON TAX DOLLARS.—Measures, including changes to allocation formulas, which would provide that each State's return on each Federal tax dollar, including direct payments to individuals, grants to State and local government, procurement, salaries and wages, and other Federal spending, is at least $0.95.

(5) IMPACT OF OTHER FACTORS.—The impacts of the cyclical nature of the economy and other factors, such as employment, on the expenditures, needs, and fiscal capacities of Federal, State, and local governments.

(6) RESPONSIVENESS OF DISTRIBUTION OF FEDERAL ASSISTANCE.—The responsiveness of the distribution of Federal assistance to—

(A) the cyclical nature of the economy and other factors identified under paragraph (5),

(B) the fiscal capacities of State and local governments,

(C) the need for services of State and local governments, and

(D) cost-of-living and cost-of-government differentials.

(7) ADMINISTRATION OF ALLOCATION FORMULAS.—The mathematical models, underlying data, and administration of Federal grant formulas, including the formulas examined under paragraph (1).

(b) STUDY PLAN.—The Secretary of the Treasury, in consultation with the Secretary of Commerce, the Comptroller General of the United States, and recognized organizations of elected officials of State and local governments, including regional organizations of such officials and officials of States that may receive substantially reduced funding under alternative methods of allocating Federal assistance, shall develop a plan for the completion of the study required by subsection (a). Such plan may provide for the participation of such individuals and organizations in the conduct of the study.

(c) REPORT OF STUDY.—Upon completion of the study required by subsection (a), the Secretary of the Treasury shall solicit the views of the persons and organizations with whom the Secretary was required to consult by subsection (b) and shall append such views to a final report to the President and Congress. Such report shall be submitted not later than June 30, 1999.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

AMENDMENT NO. 1893

On page 5, line 12 strike all that follows through page 30, line 17, and substitute the following:

''(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.''

(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) 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)(C).

(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)(D); 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 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 Intermodel Transportation Act of 1997 for ISTEA transition;

''(3) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(A) for a 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

CHAFEE (AND GRAHAM) AMENDMENT NO. 1894

(Ordered to lie on the table.)

Mr. CHAFEE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 197, strike line 11 and all that follows through page 218 and insert the following:

SEC. 1313. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''§ 181. Definitions

''In this subchapter:

''(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

''(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

''(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

''(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

''(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

''(3) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(4) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

''(5) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

''(6) LOCAL SERVICER.—The term 'local servicer' means—

''(A) a State infrastructure bank established under this title; or

''(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

''(7) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

''(8) PROJECT.—The term 'project' means—

(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49; and

(B) a project for an international bridge or tunnel for which an international entity authority under State of Federal law is responsible.

''(9) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

''(10) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

''(11) STATE.—The term 'State' has the meaning given the term in section 101.

''(12) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

''§ 182. Determination of eligibility and project selection

''(a) ELIGIBILITY.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

''(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

''(A) shall be included in the State transportation plan required under section 135; and

''(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

''(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

''(3) ELIGIBLE PROJECT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(i) $100,000,000; or

''(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently-completed fiscal year to the State in which the project is located.

''(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

''(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources.

''(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

''(b) SELECTION AMONG ELIGIBLE PROJECTS.—

''(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

''(2) SELECTION CRITERIA.—The selection criteria shall include the following:

''(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

''(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

''(C) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

''(D) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

''(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

''(F) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

''(G) The extent to which the project helps maintain or protect the environment.

''(c) FEDERAL REQUIREMENTS.—The following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

''(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''§ 183. Secured loans

''(a) IN GENERAL.—

''(1) AGREEMENTS.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

''(A) to finance eligible project costs; or

''(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

''(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(3) PAYMENT.—The secured loan—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

''(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

''(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

''(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

''(c) REPAYMENT.—

''(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''(4) DEFERRED PAYMENTS.—

''(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

''(5) PREPAYMENT.—

''(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(d) SALE OF SECURED LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(e) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

''(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

''§ 184. Lines of credit

''(a) IN GENERAL.—

''(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

''(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNTS.—

''(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

''(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

''(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

''(5) SECURITY.—The line of credit—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

''(7) RIGHTS OF THIRD PARTY CREDITORS.—

''(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

''(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

''(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 bankruptcy, insolvency, or liquidation of the obligor.

''(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

''(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

''(c) REPAYMENT.—

''(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''§ 185. Project servicing

''(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

''(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

''(1) shall act as the agent for the Secretary; and

''(2) may receive a servicing fee, subject to approval by the Secretary.

''(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for

the obligations of the obligor to the Secretary or any lender.

''(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

''§ 186. State and local permits

''The provision of financial assistance under this subchapter with respect to a project shall not—

''(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

''(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

''(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

''§ 187. Regulations

''The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

''§ 188. Funding

''(a) 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 subchapter—

''(A) $60,000,000 for fiscal year 1998;

''(B) $60,000,000 for fiscal year 1999;

''(C) $90,000,000 for fiscal year 2000;

''(D) $90,000,000 for fiscal year 2001;

''(E) $115,000,000 for fiscal year 2002; and

''(F) $115,000,000 for fiscal year 2003.

''(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

''(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

''(b) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

''(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

''(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

''Fiscal year:	Maximum amount of credit:
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

''§ 189. Imposition of annual fee on recipients

''(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to the recipient during the year under this subchapter.

''(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument.

''(c) APPLICABLE PERCENTAGE.—For the purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

''(1) any of fiscal years 1999 through 2003, 1.9095 percent; and

''(2) any fiscal year after 2003, 0.5144 percent.

''(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

''(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

''§ 190. Report to Congress

''Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

''(1) by continuing the program under the authority of the Secretary;

''(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

''(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.''.

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before ''Sec.'' the following:

''SUBCHAPTER I—GENERAL PROVISIONS'';

and

(B) by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''181. Definitions.
''182. Determination of eligibility and project selection.
''183. Secured loans.
''184. Lines of credit.
''185. Project servicing.
''186. State and local permits.
''187. Regulations.
''188. Funding.
''189. Imposition of annual fee on recipients.
''190. Report to Congress.'';

and

(2) by inserting before section 101 the following:

''SUBCHAPTER I—GENERAL PROVISIONS''.

SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.

(a) DUTIES OF THE SECRETARY.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.''.

(b) OFFICE OF INFRASTRUCTURE FINANCE.—

(1) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 113. Office of Infrastructure Finance

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

''(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

''(c) FUNCTIONS.—The Director shall be responsible for—

''(1) carrying out the responsibilities of the Secretary described in section 301(9);

''(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

''(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''113. Office of Infrastructure Finance.''.

CHAFEE AMENDMENTS NOS. 1895–1897

(Ordered to lie on the table)

Mr. CHAFEE submitted three amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1895

On page 8, lines 4 and 5, strike ''authorized to be appropriated'' and insert ''made available''.

On page 20, strike lines 11 through 21 and insert the following:

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) 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.''.

On page 33, line 20, strike ''104(b)(2)'' and insert ''104(b)(3)''.

On page 34, line 15, strike ''104(b)(2)'' and insert ''104(b)(3)''.

On page 35, line 11, strike ''104(b)(1)(A)'' and insert ''104(b)(1)''.

On page 38, between lines 17 and 18, insert the following:

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

Beginning on page 38, strike line 24 and all that follows through page 39, line 4, and insert the following:

(1) $21,500,000,000 for fiscal year 1998;
(2) $28,462,000,000 for fiscal year 1999;
(3) $28,894,000,000 for fiscal year 2000;
(4) $29,334,000,000 for fiscal year 2001;
(5) $29,800,000,000 for fiscal year 2002; and
(6) $30,319,000,000 for fiscal year 2003.

On page 39, line 11, strike ''2003'' and insert ''2007''.

On page 41, lines 20 and 21, strike ''authorized to be appropriated'' and insert ''made available''.

On page 47, line 4, strike ''authorized to be appropriated'' and insert ''made available''.

On page 51, line 22, insert ‘‘, by rule,’’ after ‘‘develop’’.

On page 74, strike lines 14 through 23 and insert the following:

‘‘(3) AUTHORIZATION OF APPROPRIATIONS FROM HIGHWAY TRUST FUND.—

‘‘(A) IN GENERAL.—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—

‘‘(i) $8,000,000 for development of the system; and

‘‘(ii) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.

‘‘(B) AVAILABILITY.—Notwithstanding section 118(a), funds made available under subparagraph (A) shall not be available in advance of an annual appropriation.’’.

On page 79, line 15, insert ‘‘(a) IN GENERAL.—’’ before ‘‘Section’’.

On page 82, between lines 9 and 10, insert the following:

(b) TECHNICAL AMENDMENTS.—

(1) Section 104(f)(3) of title 23, United States Code, is amended in the second sentence by striking ‘‘section 120(j) of this title’’ and inserting ‘‘section 120’’.

(2) Section 130(a) of title 23, United States Code, is amended—

(A) in the first sentence, by striking ‘‘Except as provided in subsection (d) of section 120 of this title’’ and inserting ‘‘Subject to section 120’’; and

(B) in the second sentence, by striking ‘‘except as provided in subsection (d) of section 120 of this title’’ and inserting ‘‘subject to section 120’’.

On page 116, strike lines 21 through 23 and insert the following:

‘‘(B) AUTHORIZATION OF APPROPRIATIONS.—

‘‘(i) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other

On page 117, between lines 3 and 4, insert the following:

‘‘(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

On page 120, strike lines 2 through 5 and insert the following:

under section 412;

‘‘(C) require that—

‘‘(i)(I) the Project include not more than 12 traffic lanes, of which 2 lanes shall be exclusively for use by high occupancy vehicles, express buses, or rail transit; and

‘‘(II) the design, construction, and operation of the Project reflect the requirements of subclause (I);

‘‘(ii) all provisions described in the environmental impact statement for the Project or the record of decision for the Project (including in the attachments to the statement and record) for mitigation of environmental and other impacts of the Project be implemented; and

‘‘(iii) the Authority and the Capital Region jurisdictions develop a process to fully integrate affected local governments, on an ongoing basis, in the process of carrying out the engineering, design, and construction phases of the project, including planning for implementing the provisions described in clause (ii); and

‘‘(D) contain such other terms and conditions as the Secretary determines to be appropriate.’’.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 5, line 19, strike ‘‘$3,587,000,000’’ and insert ‘‘$3,603,000,000’’.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 7, line 10, strike ‘‘equal to or’’.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 22, insert ‘‘at least 50 percent’’ before ‘‘greater’’.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 23, before the period, insert the following: ‘‘(as determined on the basis of the 1990 Federal census)’’.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 14, line 11, strike ‘‘equal to or’’.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 16, line 13, strike ‘‘equal to or’’.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 8, strike ‘‘equal to or’’.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 14, strike ‘‘45’’ and insert ‘‘40’’.

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking ‘‘agency of a Federal, State, or local government’’ and inserting ‘‘agency of the Federal Government’’;

On page 150, between lines 16 and 17, insert the following:

SEC. 12___. ENGINEERING COST REIMBURSEMENT.

Section 102(b) of title 23, United States Code, is amended in the first sentence by inserting before the period at the end the following: ‘‘unless, before the end of the 10-year period, the State requests a longer period for commencement of the construction or acquisition and the Secretary determines that the request is reasonable’’.

On page 190, line 14, insert ‘‘related to surface transportation’’ after ‘‘project’’.

On page 220, lines 4 and 5, strike ‘‘authorized to be appropriated’’ and insert ‘‘made available’’.

Beginning on page 234, strike line 24 and all that follows through page 235, line 8, and insert the following:

fiscal year, the excess amounts shall be allocated as follows:

‘‘(A) 50 percent to be apportioned to the States in the same manner in which funds are apportioned under section 402(c).

‘‘(B) 50 percent to be allocated by the Secretary under section 403 through cooperative agreements with States to carry out innovative programs to promote increased seat belt use rates.

On page 246, at the end of line 6, add the following: ‘‘State wildlife agency, wetland conservation group, land trust, or’’.

On page 369, line 2, before the period, insert the following: ‘‘, of which not less than $500,000 shall be made available to carry out the study under section 511’’.

On page 375, line 6, strike ‘‘2 years’’ and insert ‘‘5 years’’.

On page 375, strike lines 13 through 15 and insert the following:

SEC. 2016. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.

On page 375, strike lines 19 and 20 and insert the following:

‘‘§ 310. Advanced vehicle technologies program

On page 378, strike lines 8 through 11 and insert the following:

‘‘(g) AUTHORIZATION OF APPROPRIATIONS.—

‘‘(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1998 through 2003, to remain available until expended.

‘‘(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.’’.

On page 378, strike the item between lines 15 and 16 and insert the following:

‘‘310. Advanced vehicle technologies program.’’.

On page 381, strike lines 4 through 6 and insert the following:

‘‘(d) AUTHORIZATION OF APPROPRIATIONS.—

‘‘(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1998 through 2003.

‘‘(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.’’.

On page 385, line 1, add ‘‘deployment of’’ at the end.

On page 399, line 19, strike ‘‘or’’ and insert ‘‘and’’.

On page 402, line 16, strike ‘‘and’’.

On page 402, line 18, strike the period and insert ‘‘; and’’.

On page 402, between lines 18 and 19, insert the following:

‘‘(v) developing and implementing unobtrusive eyetracking technology.

AMENDMENT NO. 1896

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

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 $___,___,___,000 for fiscal year 1998, $___,___,___,000 for fiscal year 1999, $___,___,___,000 for fiscal year 2000, $___,___,___,000 for fiscal year 2001, $___,___,___,000 for fiscal year 2002, and $___,___,___,000 for fiscal year 2003, of which—

(A) $___,___,___,000 for fiscal year 1998, $___,___,___,000 for fiscal year 1999, $___,___,___,000 for fiscal year 2000, $___,___,___,000 for fiscal year 2001, $___,___,___,000 for fiscal year 2002, and $___,___,___,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $___,___,___,000 for fiscal year 1998, $___,___,___,000 for fiscal year 1999, $___,___,___,000 for fiscal year 2000, $___,___,___,000 for fiscal year 2001, $___,___,___,000 for fiscal year 2002, and $___,___,___,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 $___,___,___,000 for fiscal year 1998, $___,___,___,000 for fiscal year 1999, $___,___,___,000 for fiscal year 2000, $___,___,___,000 for fiscal year 2001, $___,___,___,000 for fiscal year 2002, and $___,___,___,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 $___,___,___,000 for fiscal year 1998, $___,___,___,000 for fiscal year 1999, $___,___,___,000 for fiscal year 2000, $___,___,___,000 for fiscal year 2001, $___,___,___,000 for fiscal year 2002, and $___,___,___,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.

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 made available for expenditure on the Interstate and National Highway System program, 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) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) 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) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) 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, and for the purposes specified in subparagraph (A), 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 DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) 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 150 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, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 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 ____; 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	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.67
Rhode Island	0.61
South Dakota	0.67
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

''(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)(3)''.

(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)(3)''; 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)''.

(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)''.

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

AMENDMENT NO. 1897

At the appropriate place in subtitle G of title III, insert the following:

SEC. 37___. ELIMINATION OF ESSENTIAL AIR SERVICE PROGRAM.

(a) AVAILABILITY OF SLOTS.—Section 41714 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) **[**[Reserved]**]**''.

(b) NONHUB AIRPORT.—Section 41715(d) of title 49, United States Code, is amended by striking subsection (d) and inserting the following:

''(d) NONHUB AIRPORT.—In this section, the term 'nonhub airport' means an airport that each year has fewer than .05 percent of total annual boardings in the United States.''.

(c) ELIMINATION OF PROGRAM.—

(1) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by striking subchapter II.

(2) CONFORMING AMENDMENTS.—

(A) Section 329(b)(1) of title 49, United States Code, is amended by striking ''and are not used for providing essential air transportation under subchapter II of chapter 417 of this title''.

(B) Section 40117(e)(2) of title 49, United States Code, is amended—

(i) in subparagraph (A), by adding ''and'' at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(C) Chapter 417 of title 49, United States Code, is amended by striking the heading for subchapter I.

(D) Section 41709(b)(1)(A) of title 49, United States Code, is amended by striking ''under subchapter II of this chapter or''.

(E) The chapter analysis for chapter 417 of title 49, United States Code, is amended by striking the items relating to subchapter II.

CHAFEE (AND GRAHAM) AMENDMENT NO. 1898

(Ordered to lie on the table.)

Mr. CHAFEE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 197, strike line 11 and all that follows through page 218 and insert the following:

SEC. 1313. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''§ 181. Definitions

''In this subchapter:

''(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

''(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

''(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

''(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

''(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

''(3) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(4) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

''(5) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

''(6) LOCAL SERVICER.—The term 'local servicer' means—

''(A) a State infrastructure bank established under this title; or

''(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

''(7) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

''(8) PROJECT.—The term 'project' means any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49.

''(9) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

''(10) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

''(11) STATE.—The term 'State' has the meaning given the term in section 101.

''(12) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

''§ 182. Determination of eligibility and project selection

''(a) ELIGIBILITY.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

''(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

''(A) shall be included in the State transportation plan required under section 135; and

''(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

''(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

''(3) ELIGIBLE PROJECT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(i) $100,000,000; or

''(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently-completed fiscal year to the State in which the project is located.

''(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

''(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources.

''(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

''(b) SELECTION AMONG ELIGIBLE PROJECTS.—

''(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

''(2) SELECTION CRITERIA.—The selection criteria shall include the following:

''(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

''(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

''(C) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

''(D) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

''(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

''(F) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

''(G) The extent to which the project helps maintain or protect the environment.

''(c) FEDERAL REQUIREMENTS.—The following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

''(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''§ 183. Secured loans

''(a) IN GENERAL.—

''(1) AGREEMENTS.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

''(A) to finance eligible project costs; or

''(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

''(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(3) PAYMENT.—The secured loan—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

''(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

''(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

''(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

''(c) REPAYMENT.—

''(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''(4) DEFERRED PAYMENTS.—

''(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

''(5) PREPAYMENT.—

''(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(d) SALE OF SECURED LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(e) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

''(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

''§ 184. Lines of credit

''(a) IN GENERAL.—

''(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

''(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNTS.—

''(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

''(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

''(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

''(5) SECURITY.—The line of credit—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

''(7) RIGHTS OF THIRD PARTY CREDITORS.—

''(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

''(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

''(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 bankruptcy, insolvency, or liquidation of the obligor.

''(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

''(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

''(c) REPAYMENT.—

''(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''§ 185. Project servicing

''(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

''(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

''(1) shall act as the agent for the Secretary; and

''(2) may receive a servicing fee, subject to approval by the Secretary.

''(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

''(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

''§ 186. State and local permits

''The provision of financial assistance under this subchapter with respect to a project shall not—

''(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

''(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

''(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

''§ 187. Regulations

''The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

''§ 188. Funding

''(a) 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 subchapter—

''(A) $60,000,000 for fiscal year 1998;

''(B) $60,000,000 for fiscal year 1999;

''(C) $90,000,000 for fiscal year 2000;

''(D) $90,000,000 for fiscal year 2001;

''(E) $115,000,000 for fiscal year 2002; and

''(F) $115,000,000 for fiscal year 2003.

''(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

''(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

''(b) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

''(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

''(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

''Fiscal year:	Maximum amount of credit:
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

''§ 189. Imposition of annual fee on recipients

''(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to the recipient during the year under this subchapter.

''(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument.

''(c) APPLICABLE PERCENTAGE.—For the purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

''(1) any of fiscal years 1999 through 2003, 1.9095 percent; and

''(2) any fiscal year after 2003, 0.5144 percent.

''(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

''(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

''§ 190. Report to Congress

''Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

''(1) by continuing the program under the authority of the Secretary;

''(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

''(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.''.

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before ''Sec.'' the following:

''SUBCHAPTER I—GENERAL PROVISIONS'';

and

(B) by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''181. Definitions.
''182. Determination of eligibility and project selection.
''183. Secured loans.
''184. Lines of credit.
''185. Project servicing.
''186. State and local permits.
''187. Regulations.
''188. Funding.
''189. Imposition of annual fee on recipients.
''190. Report to Congress.'';

and

(2) by inserting before section 101 the following:

''SUBCHAPTER I—GENERAL PROVISIONS''.

SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.

(a) DUTIES OF THE SECRETARY.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.''.

(b) OFFICE OF INFRASTRUCTURE FINANCE.—

(1) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 113. Office of Infrastructure Finance

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

''(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

''(c) FUNCTIONS.—The Director shall be responsible for—

''(1) carrying out the responsibilities of the Secretary described in section 301(9);

''(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

''(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''113. Office of Infrastructure Finance.''.

CHAFEE AMENDMENT NO. 1899

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following:

''(7) ADJUSTMENT TO OTHER MINIMUM GUARANTEE AMOUNT.—Notwithstanding section 105 of title 23, for each fiscal year, the amount to be allocated to a State under section 105(a)(1)(B) of that title shall be reduced by any amount made available to the State under this subsection.''.

(b) DISTRIBUTION OF EXCESS FUNDS.—For each fiscal year, the amount of budgetary savings resulting from adoption of the amendment proposed by _____ (No. ___) shall be apportioned among the States so that the amount apportioned to each State is equal to the product obtained by multiplying—

(1) the amount of the budgetary savings for the fiscal year; by

(2) the State's percentage of the amounts made available under this Act and title 23, United States Code, for the fiscal year.

CHAFEE (AND OTHERS) AMENDMENT NO. 1900

(Ordered to lie on the table.)

Mr. CHAFEE (for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11___. ADDITIONAL FUNDING.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall apportion, in accordance with paragraph (2), the funds made available by paragraph (3) among the States in the ratio that—

(A) the total of the apportionments to each State under section 104 of title 23, United States Code, and section 1102(c) of this Act and the allocations to each State under section 105(a) of that title (excluding amounts made available under this section); bears to

(B) the total of all apportionments to all States under section 104 of that title and section 1102(c) of this Act and all allocations to all States under section 105(a) of that title (excluding amounts made available under this section).

(2) DISTRIBUTION AMONG CATEGORIES.—

(A) LIMITED FLEXIBLE FUNDING FOR CERTAIN STATES.—For each fiscal year, in the case of each State that does not receive funding under subsection (c) or an allocation under subsection (d), an amount equal to 22 percent of the funds apportioned to the State under paragraph (1) shall be set aside for use by the State for any purpose eligible for funding under title 23, United States Code, or this Act.

(B) DISTRIBUTION OF REMAINING FUNDS.—

(i) IN GENERAL.—For each fiscal year, after application of subparagraph (A), the remaining funds apportioned to each State under paragraph (1) shall be apportioned in accordance with clause (ii) among the following categories:

(I) The Interstate maintenance component of the Interstate and National Highway System program under section 104(b)(1)(A) of title 23, United States Code.

(II) The Interstate bridge component of the Interstate and National Highway System program under section 104(b)(1)(B) of that title.

(III) The National Highway System component of the Interstate and National Highway

System program under section 104(b)(1)(C) of that title.

(IV) The congestion mitigation and air quality improvement program under section 104(b)(2) of that title.

(V) The surface transportation program under section 104(b)(3) of that title.

(VI) Metropolitan planning under section 104(f) of that title.

(VII) Minimum guarantee under section 105 of that title.

(VIII) ISTEA transition under section 1102(c) of this Act.

(ii) DISTRIBUTION FORMULA.—For each State and each fiscal year, the amount of funds apportioned for each category under clause (i) shall be equal to the product obtained by multiplying—

(I) the amount of funds apportioned to the State for the fiscal year under paragraph (1); by

(II) the ratio that—

(aa) the amount of funds apportioned to the State for the category for the fiscal year under the other sections of this Act and the amendments made by this Act; bears to

(bb) the total amount of funds apportioned to the State for all of the categories for the fiscal year under the other sections of this Act and the amendments made by this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $454,000,000 for fiscal year 1998, $3,351,000,000 for fiscal year 1999, $3,640,000,000 for fiscal year 2000, $3,895,000,000 for fiscal year 2001, $3,867,000,000 for fiscal year 2002, and $3,640,000,000 for fiscal year 2003.

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

(b) OTHER ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in addition to the amounts authorized to be appropriated under section 1116(d)(5), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) $90,000,000 for each of fiscal years 1999 through 2003; and

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in, that amendment $378,000,000 for each of fiscal years 1999 through 2003, except that the funds made available under this subparagraph, notwithstanding section 118(e)(1)(C)(v) of title 23, United States Code, and section 201(g)(1)(B) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

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

(3) LIMITATION.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(c) HIGH DENSITY TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—There is established the high density transportation program (referred to in this subsection as the ''program'') to provide funding to States that have higher-than-average population density.

(2) DETERMINATIONS.—

(A) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each of fiscal years 1999 through 2003, the Secretary shall determine for each State and the fiscal year—

(i) the population density of the State;

(ii) the total vehicle miles traveled on lanes on Federal-aid highways in the State during the latest year for which data are available;

(iii) the ratio that—

(I) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(II) the total lane miles on all Federal-aid highways in the State; and

(iv) the quotient obtained by dividing—

(I) the sum of—

(aa) the amounts apportioned to the State 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;

(bb) the amounts allocated to the State under the minimum guarantee program under section 105 of that title; and

(cc) the amounts apportioned to the State under section 1102(c) of this Act 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) NATIONAL AVERAGE.—Using the data determined under subparagraph (A), the Secretary shall determine the national average with respect to each of the factors described in clauses (i) through (iv) of subparagraph (A).

(3) ELIGIBILITY CRITERIA.—A State shall be eligible to receive funding under the program if—

(A) the amount determined for the State under paragraph (2)(A) with respect to each factor described in clauses (i) through (iii) of paragraph (2)(A) is greater than the national average with respect to the factor determined under paragraph (2)(B); and

(B) the amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(4) DISTRIBUTION OF FUNDS.—

(A) AVAILABILITY TO STATES.—For each fiscal year, except as provided in subparagraph (D), each State that meets the eligibility criteria under paragraph (3) shall receive a portion of the funds made available to carry out the program that is—

(i) not less than $36,000,000; but

(ii) not more than 15 percent of the funds.

(B) STATE NOTIFICATION.—On October 1, or as soon as practicable thereafter, of each fiscal year, the Secretary shall notify each State that meets the eligibility criteria under paragraph (3) that the State is eligible to apply for funding under the program.

(C) PROJECT PROPOSALS.—

(i) SUBMISSION.—

(I) IN GENERAL.—After receipt of a notification of eligibility under subparagraph (B), to receive funds under the program, a State, in consultation with the appropriate metropolitan planning organizations, shall submit to the Secretary proposals for projects aimed at improving mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(II) TOTAL COST OF PROJECTS.—The estimated total cost of the projects proposed by each State shall be equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A).

(ii) SELECTION.—The Secretary shall select projects for funding under the program based on factors determined by the Secretary to reflect the degree to which a project will improve mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(iii) DEADLINES.—The Secretary may establish deadlines for States to submit project proposals, except that in the case of fiscal year 1998 the deadline may not be earlier than July 1, 1998.

(D) REDISTRIBUTION OF FUNDS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (C)(iii), applications for projects with an estimated total cost equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A), the Secretary may redistribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount that the State is eligible to receive.

(5) OTHER ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than the population density of the United States.

(B) THROUGH TRUCK TRAFFIC.—The quotient obtained by dividing—

(i) the annual quantity of through truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary); by

(ii) the annual quantity of total truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary);

is greater than 0.60.

(6) ELIGIBLE PROJECTS.—Funds made available to carry out the program may be used for any project eligible for funding under title 23, United States Code, or this Act.

(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 $360,000,000 for each of fiscal years 1999 through 2003.

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

(8) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(d) BONUS PROGRAM.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, after making apportionments and allocations under section 1102 and the amendments made by that section, the Secretary shall allocate to each of the States listed in the following table the amount specified for the State in the following table:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$4,969	$11,021	$11,093	$11,169	$11,253	$11,352
Arizona	$3,864	$14,418	$14,474	$14,533	$14,598	$14,676
California	$10,353	$47,050	$48,691	$48,094	$39,345	$35,119
Florida	$11,457	$30,175	$30,342	$30,518	$30,710	$30,940
Georgia	$8,723	$19,347	$19,474	$19,608	$19,754	$19,930
Illinois	$8,277	$21,800	$21,921	$22,048	$22,187	$22,353
Indiana	$6,052	$22,580	$22,668	$22,761	$22,862	$22,984
Kentucky	$4,316	$9,573	$9,636	$9,703	$9,775	$9,862
Maryland	$3,749	$4,202	$4,257	$4,314	$4,377	$4,452
Michigan	$7,849	$29,286	$29,400	$29,521	$29,652	$29,810
North Carolina	$7,032	$15,597	$15,700	$15,808	$15,925	$16,067
Ohio	$8,567	$9,601	$9,726	$9,858	$10,001	$10,173
Pennsylvania	$5,409	$4,174	$60	$0	$0	$0
South Carolina	$3,953	$12,966	$13,023	$13,084	$13,150	$13,230
Tennessee	$5,631	$12,490	$12,572	$12,658	$12,752	$12,866
Texas	$17,129	$63,908	$64,157	$64,421	$64,707	$65,052
Virginia	$6,368	$14,124	$14,217	$14,315	$14,421	$14,549
Wisconsin	$4,520	$16,864	$16,929	$16,999	$17,075	$17,165

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) 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 necessary to carry out this subsection.

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

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(e) FEDERAL LANDS HIGHWAYS PROGRAM.—

(1) IN GENERAL.—In addition to the amounts made available under section 1101(4), there shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

(A) for Indian reservation roads under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003;

(B) for parkways and park roads under section 204 of title 23, United States Code, $70,000,000 for each of fiscal years 1999 through 2003, of which $20,000,000 for each fiscal year shall be available to maintain and improve public roads that provide access to or within units of the National Wildlife Refuge System; and

(C) for public lands highways under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003.

(2) 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 necessary to carry out this subsection.

(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.

(3) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM ALLOCATIONS.—In allocating funds under section 104(k) of title 23, United States Code, the Secretary shall give preference to States—

(1) with respect to which at least 45 percent of the bridges in the State are functionally obsolete and structurally deficient; and

(2) that do not receive assistance made available under subsection (b)(1)(B) or funding under subsection (c).

On page 97, line 22, strike ''and''.

On page 97, strike line 25 and insert the following:

project;

(C) provides for the safe and efficient movement of goods along and within international or interstate trade corridors; and

(D) provides for the continued planning and development of trade corridors.

On page 98, between lines 21 and 22, insert the following:

(D) the extent to which truck-borne commodities move through each State and internationally;

On page 98, line 22, strike ''(D)'' and insert ''(E)''.

On page 99, line 1, strike ''(E)'' and insert ''(F)''.

On page 98, line 10, strike ''(F)'' and insert ''(G)''.

On page 98, line 13, strike ''(G)'' and insert ''(H)''.

On page 98, line 15, strike ''(H)'' and insert ''(I)''.

On page 98, line 19, strike ''(I)'' and insert ''(J)''.

On page 98, line 23, strike ''(J)'' and insert ''(K)''.

On page 99, line 24, insert '', trade corridor development,'' before ''and''.

CHAFEE AMENDMENTS NOS. 1901–1902

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1901

On page 337, in the table of contents after line 6, after the item relating to section 512, insert the following:

''513. Program to identify opportunities for cost-effective greenhouse gas emissions reductions.

On page 381, strike line 7 and insert the following:

SEC. 2018. PROGRAM TO IDENTIFY OPPORTUNITIES FOR COST-EFFECTIVE GREENHOUSE GAS EMISSIONS REDUCTIONS.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

''§ 513. Program to identify opportunities for cost-effective greenhouse gas emissions reductions

''(a) PROGRAM.—The Secretary shall carry out a program to identify—

''(1) opportunities for cost-effective reductions in greenhouse gas emissions from the transportation sector, through the use of measures involving technology and measures not involving technology; and

''(2) opportunities to attract new funding to transportation for investments designed to yield cost-effective greenhouse gas emissions reductions.

''(b) REPORT.—Not earlier than 1 year after the date of enactment of this section, and periodically thereafter, the Secretary shall report to Congress and the President on the results of the program.

''(c) RESEARCH AND ANALYSIS.—In carrying out this chapter and chapter 52 of title 49, the Secretary shall ensure that the research and analysis necessary to fulfill the requirements of this subsection are carried out.

''(d) FUNDING.—For each of fiscal years 1998 through 2003, the Secretary shall make available to carry out this subsection not less than $2,000,000 of the funds made available under section 541(a).''.

SEC. 2019. CONFORMING AMENDMENTS.

On page 415, line 11, strike ''and 511'' and insert ''511, and 513''.

AMENDMENT NO. 1902

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 14, strike the table after line 20 and insert the following:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$11,280	$12,724	$12,749	$12,677	$12,205	$12,249
Arizona	$8,773	$9,896	$9,915	$9,859	$9,492	$9,526
California	$39,172	$45,397	$46,817	$45,546	$34,248	$29,744
Florida	$26,009	$29,339	$29,397	$29,231	$28,142	$28,242
Georgia	$19,803	$22,338	$22,382	$22,255	$21,426	$21,503
Illinois	$18,790	$21,196	$21,238	$21,118	$20,331	$20,404
Indiana	$13,739	$15,498	$15,529	$15,441	$14,866	$14,919
Kentucky	$9,799	$11,053	$11,075	$11,012	$10,602	$10,640
Maryland	$8,512	$9,601	$9,620	$9,566	$9,210	$9,242
Michigan	$17,819	$20,100	$20,140	$20,026	$19,281	$19,349
North Carolina	$15,964	$18,008	$18,044	$17,942	$17,274	$17,335
Ohio	$19,448	$21,938	$21,981	$21,857	$21,043	$21,118
Pennsylvania	$17,273	$17,586	$13,394	$9,647	$6,299	$6,770
South Carolina	$8,975	$10,124	$10,144	$10,087	$9,711	$9,746
Tennessee	$12,784	$14,420	$14,449	$14,367	$13,832	$13,881
Texas	$38,886	$43,864	$43,951	$43,702	$42,074	$42,225
Virginia	$14,457	$16,307	$16,340	$16,247	$15,642	$15,698
Wisconsin	$10,261	$11,574	$11,597	$11,532	$11,102	$11,142

MACK AMENDMENTS NOS. 1903–1910

(Ordered to lie on the table.)

Mr. MACK submitted eight amendments intended to be proposed by him to amendment No. 1676 by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1903

On page 136, after line 22, strike the section added by Chafee Amendment No. 1684 and insert the following:

SEC. 1128. ADDITIONAL FUNDING.

(a) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall apportion the funds made available by subsection (c) among the States in the ratio that—

(1) 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

(2) 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) ELIGIBLE PURPOSES.—Amounts allocated under subsection (a) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(c) 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 $770,000,000 for fiscal year 1998, $4,705,000,000 for fiscal year 1999, $4,992,000,000 for fiscal year 2000, $5,240,000,000 for fiscal year 2001, $5,173,000,000 for fiscal year 2002, and $4,953,000,000 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 of title 23, United States Code.

AMENDMENT NO. 1904

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. STATE ELECTION TO REDUCE THE FEDERAL FUEL TAX RATE BY 4.3 CENTS WITH A CORRESPONDING REDUCTION IN AMOUNTS TRANSFERRED TO THE STATE FROM THE HIGHWAY TRUST FUND.

(a) STATE ELECTION.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

''(f) STATE ELECTION TO REDUCE BY 4.3-CENTS THE TRANSPORTATION MOTOR FUELS EXCISE TAX.—

''(1) IN GENERAL.—With respect to any taxpayer in a State described in paragraph (6) during the State's election period, 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 by any taxpayer in a State described in paragraph (6) during the State's election 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 with respect to any taxpayer in a State described in paragraph (6) during the State's election period.

''(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon with respect to any taxpayer in a State described in paragraph (6) during the State's election period.

''(6) ELECTING STATE.—

''(A) IN GENERAL.—A State is described in this paragraph if the State makes an election described in subparagraph (B) to have this subsection apply to each fiscal year during the State's election period and to have the Secretary of Transportation make a corresponding reduction in the amounts transferred to the State from the Highway Trust Fund for such year.

''(B) REQUIREMENTS FOR ELECTION.—An election is described in this subparagraph if—

''(i) such election is made by a State at least 180 days before the first fiscal year with respect to which the election applies; and

''(ii) such election is submitted to the Secretary in such form and manner as the Secretary prescribes.

''(C) ELECTION PERIOD.—The term 'election period' means the period beginning with the fiscal year determined under subparagraph (B)(i) and ending on the last day of the fiscal year in which a termination of such election is made by the State.''.

(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 reduction 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 reduction date, and

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

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction 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; except that the term ''dealer'' includes a producer, and

(B) the term ''tax reduction date'' means the first day of the State's election period under section 4081(f)(6)(C) of such Code.

(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) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—In the case of fuel on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before the tax-increase date described in paragraph (3)(A)(i) and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on a tax-increase date to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary of the Treasury shall prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) with respect to any tax-increase date shall be paid on or before the first day of the 7th month beginning after such tax-increase date.

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

(A) TAX-INCREASE DATE.—The term ''tax-increase date'' means the day following the end of a State's election period under section 4081(f)(6)(C) of such Code.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(4) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 or 4091 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081 or 4091.

(d) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the ''Director'') certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal

year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

AMENDMENT NO. 1905

At the end of the title entitled ''Revenue'', add the following:

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 of the Internal Revenue Code of 1986 (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 October 1, 2000.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2000, 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 April 1, 2001, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2000—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2001, 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, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(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) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the ''Director'') certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

AMENDMENT NO. 1906

At the end of the title entitled ''Revenue'', add the following:

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 of the Internal Revenue Code of 1986 (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 date of enactment of this Act, 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 date of enactment of this Act, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the date of enactment of this Act—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after such 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, the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer.

(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) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the ''Director'') certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

AMENDMENT NO. 1907

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 6, strike lines 10 through 24.

AMENDMENT NO. 1908

Beginning on page 105, strike line 1 and all that follows through page 106, line 3.

AMENDMENT NO. 1909

On page 106, strike line 3 and insert the following:

(a).''.

(e) USE OF FUNDS.—Notwithstanding the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) or any other provision of law, funds made available to construct the Appalachian development highway system under the amendment made by subsection (d), under section 1128(b), or under any other provision of law shall be apportioned in accordance with section 104(b)(1)(C) of title 23, United States Code, and shall be available for any project on the National Highway System that is eligible for funding under that title.

AMENDMENT NO. 1910

At the end of title entitled ''Revenue'', add the following:

SEC. ___. CORE PROGRAM STATES.

(a) DEFINITIONS.—In this section:

(1) CORE HIGHWAY PROGRAMS.—The term ''core highway programs'' means the following programs:

(A) The Interstate maintenance program under section 119 of title 23, United States Code, as in effect on the day before the date of enactment of this Act.

(B) Highway bridge replacement and rehabilitation (excluding off-System bridges) under section 144 of that title, as in effect on the day before the date of enactment of this Act.

(C)(i) Indian reservation roads under section 204 of that title.

(ii) Public lands highways under section 204 of that title.

(iii) Parkways and park roads under section 204 of that title.

(D) Highway safety programs under section 402 of that title.

(E) Highway safety research and development under section 403 of that title.

(F) Motor carrier safety grants under section 31104 of title 49, United States Code.

(G) Metropolitan planning under section 104(f) of title 23, United States Code.

(H) National defense highways under section 311 of that title.

(I) Emergency relief under section 125 of that title.

(2) CORE PROGRAM STATE.—The term ''core program State'' means a State which makes an election under this section.

(3) ELECTION PERIOD.—The term ''election period'' means the period beginning with the fiscal year determined under subsection (c)(1) and ending not later than with fiscal year 2003.

(4) HIGHWAY ACCOUNT.—The term ''Highway Account'' means the portion of the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986 which is not the Mass Transit Account.

(5) MASS TRANSIT ACCOUNT.—The term ''Mass Transit Account'' means the Mass Transit Account established under section 9503(e) of the Internal Revenue Code of 1986.

(6) SURFACE TRANSPORTATION.—The term ''surface transportation'' includes mass transit and rail.

(b) ELECTION TO BECOME A CORE PROGRAM STATE.—Each State which makes an election described in subsection (c) shall be eligible with respect to each fiscal year during the State's election period for—

(1) a core highway programs payment; and

(2) a non-core highway programs block grant,

in lieu of any other payment from the Highway Account authorized under any provision of, or amendment made by, this Act.

(c) REQUIREMENTS FOR ELECTION.—An election is described in this subsection if—

(1) such election is made by a State at least 180 days before the first fiscal year with respect to which the election applies;

(2) such election is made by a State that certifies that such State has a metropolitan planning organization established under section 134 of title 23, United States Code, and that such organization will maintain a system for processing funds received by the State under this section throughout the election period; and

(3) such election is submitted to the Secretary in such form and manner as the Secretary prescribes.

(d) DETERMINATION AND USE OF CORE HIGHWAY PROGRAMS PAYMENT.—

(1) DETERMINATION OF AMOUNT OF PAYMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine for each fiscal year the payment necessary to meet the commitments of core highway programs for each core program State.

(B) LIMITATIONS.—

(i) GENERAL RULE.—Any payment under subparagraph (A) for any fiscal year for any particular core highway program for a core program State shall be subject to—

(I) except with respect to core highway programs described in subparagraphs (G), (H), and (I) of subsection (a)(1), the funding level for such program for such year under clause (ii) in lieu of the funding level for such program for such year under this Act and the amendments made by this Act, and

(II) the annual obligation limitation for such program for such year imposed under any provision of law.

(ii) SPECIAL FUNDING LEVELS.—For purposes of clause (i), the funding levels for core highway programs are as follows:

(A) For the Interstate maintenance program, $5,000,000,000 for fiscal year 1998, $5,100,000,000 for fiscal year 1999, $5,300,000,000 for fiscal year 2000, $5,400,000,000 for fiscal year 2001, $5,600,000,000 for fiscal year 2002, and $5,800,000,000 for fiscal year 2003.

(B) For highway bridge replacement and rehabilitation, $1,183,000,000 for fiscal year

1998, $1,217,000,000 for fiscal year 1999, $1,251,000,000 for fiscal year 2000, $1,286,000,000 for fiscal year 2001, $1,321,000,000 for fiscal year 2002, and $1,358,000,000 for fiscal year 2003.

(C)(i) For Indian reservation roads, $197,000,000 for fiscal year 1998, $202,000,000 for fiscal year 1999, $208,000,000 for fiscal year 2000, $214,000,000 for fiscal year 2001, $220,000,000 for fiscal year 2002, and $225,000,000 for fiscal year 2003.

(ii) For public lands highways, $177,000,000 for fiscal year 1998, $182,000,000 for fiscal year 1999, $187,000,000 for fiscal year 2000, $192,000,000 for fiscal year 2001, $197,000,000 for fiscal year 2002, and $202,000,000 for fiscal year 2002.

(iii) For parkways and park roads, $86,000,000 for fiscal year 1998, $89,000,000 for fiscal year 1999, $91,000,000 for fiscal year 2000, $94,000,000 for fiscal year 2001, $97,000,000 for fiscal year 2002, and $101,000,000 for fiscal year 2003.

(D) For highway safety programs, $171,000,000 for each of fiscal years 1998 through 2003.

(E) For highway safety research and development, $44,000,000 for each of fiscal years 1998 through 2003.

(F) For motor carrier safety grants, not more than $90,000,000 for each of fiscal years 1998 through 2003.

(2) USE OF PAYMENT.—

(A) IN GENERAL.—The core highway programs payment for any core program State shall be available, as provided by appropriation Acts, to the State for any core highway program purpose in such State.

(B) TRANSFERABILITY OF FUNDS.—To the extent that a core program State determines that funds made available under this subsection to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation purpose in the State.

(f) DETERMINATION AND USE OF NON-CORE HIGHWAY PROGRAMS BLOCK GRANT.—

(1) DETERMINATION OF AMOUNT OF BLOCK GRANT.—Subject to subsection (g), the amount of the non-core highway programs block grant for any core program State for any fiscal year is equal to the excess of—

(A) the amount of taxes transferred to the Highway Account for such fiscal year which is attributable to highway users in that State as determined by the Secretary of the Treasury (taking into account proper reductions for uses of such taxes for purposes other than the Federal-aid highway program); over

(B) the core highway programs payment to such State for such fiscal year, as determined under subsection (d).

(2) USE OF BLOCK GRANT.—The non-core highway programs block grant for any core program State shall be available, as provided by appropriation Acts, to the State for any surface transportation purpose in such State. Any project carrying out such a purpose shall be exempt from any Federal regulation other than with respect to health and safety standards and practices.

(g) ELECTION TO REDUCE FEDERAL FUEL TAX RATE WITH CORRESPONDING REDUCTION IN BLOCK GRANT.—

(1) IN GENERAL.—With respect to fiscal years beginning after the satisfaction year and ending with the termination of the election period, a core program State may notify the Secretary (in the same manner as the election described in subsection (c)) of an election to have imposed on highway users in the State the State's core highway programs financing rate with respect to the taxes transferred to the Highway Account which are attributable to such highway users in lieu of the tax rates otherwise established in the Internal Revenue Code of 1986 for such fiscal years.

(2) DETERMINATION OF CORE HIGHWAY PROGRAMS FINANCING RATE.—

(A) IN GENERAL.—Upon notification by the Secretary of an election by a core program State under paragraph (1), the Secretary of the Treasury shall determine for each subsequent fiscal year such State's core highway programs financing rate, taking into account—

(A) the amount of taxes necessary to fund that State's core highway programs payment for such fiscal year;

(B) the uses of the taxes described in paragraph (1) for purposes other than the Federal-aid highway program for such fiscal year;

(C) any adjustments necessary as a result of a determination under this paragraph for a preceding fiscal year; and

(D) the rates with respect to such taxes otherwise imposed under the Internal Revenue Code of 1986 for such fiscal year.

(B) REPORT.—Not later than August 1, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report that describes the determination required under subparagraph (A).

(C) CONGRESSIONAL APPROVAL REQUIRED.—The Secretary of the Treasury shall not implement the determination required to be included in the report submitted under subparagraph (B) unless a joint resolution is enacted, in accordance with subparagraph (D), approving such determination before the following October 1.

(D) CONGRESSIONAL CONSIDERATION.—

(i) TERMS OF THE RESOLUTION.—For purposes of subparagraph (C), the term ''joint resolution'' means only a joint resolution that is introduced before October 1 and—

(I) that does not have a preamble;

(II) the matter after the resolving clause of which is as follows: ''That Congress approves the determination of the Secretary of the Treasury regarding the imposition of the core highway programs rate for the State of ___ submitted on ___'', the blank spaces being filled in with the appropriate State and date, respectively; and

(III) the title of which is as follows: ''Joint resolution approving the determination of the Secretary of the Treasury regarding the imposition of a core highway programs rate.''.

(ii) REFERRAL.—A resolution described in clause (i) that is introduced—

(I) in the House of Representatives, shall be referred to the Committee on Ways and Means; and

(II) in the Senate, shall be referred to the Committee on Finance.

(iii) DISCHARGE.—If a committee to which a resolution described in clause (i) is referred has not reported such resolution by the end of the 30-day period beginning on the date on which the Secretary of the Treasury submits the report required under subparagraph (B), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(iv) CONSIDERATION.—Within 30 days after the date on which the committee to which a resolution described in clause (i) has reported, or has been discharged from further consideration of such resolution, such resolution shall be considered in the same manner as a resolution is considered under subsections (d), (e), and (f) of section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(3) SATISFACTION YEAR.—For purposes of paragraph (1), the term ''satisfaction year'' means the fiscal year during which all Federal non-core highway program obligations of a core program State payable from the Highway Account existing on the date of the election by such State described in subsection (b) are paid.

(h) ELECTION TO BECOME A NON-MASS TRANSIT ACCOUNT STATE.—

(1) IN GENERAL.—A core program State or any other State may notify the Secretary (in the same manner as the election described in subsection (c)) of an election to receive with respect to each fiscal year during the State's election period a non-Mass Transit Account block grant, in lieu of any other payment from the Mass Transit Account authorized under any provision of, or amendment made by, this Act. An election under this subsection shall not affect a State's continued eligibility for revenues provided through the general fund of the Treasury for transit programs.

(2) DETERMINATION AND USE OF NON-MASS TRANSIT ACCOUNT BLOCK GRANT.—

(A) DETERMINATION OF AMOUNT OF BLOCK GRANT.—Subject to paragraph (3), the amount of the non-Mass Transit Account block grant for any State for any fiscal year is equal to the amount of taxes transferred to the Mass Transit Account for such fiscal year which is attributable to highway users in that State as determined by the Secretary of the Treasury.

(B) USE OF BLOCK GRANT.—The non-Mass Transit Account block grant for any State shall be available, as provided by appropriation Acts, to the State for any surface transportation purpose in such State. Any project carrying out such a purpose shall be exempt from any Federal regulation other than with respect to health and safety standards and practices.

(3) ELECTION TO ELIMINATE MASS TRANSIT FUEL TAX RATE WITH CORRESPONDING ELIMINATION OF BLOCK GRANT.—

(A) IN GENERAL.—With respect to fiscal years beginning after the satisfaction year and ending with the termination of the election period, a State which has made an election under paragraph (1) may notify the Secretary (in the same manner as such an election) of an election to eliminate the financing rate with respect to the taxes transferred to the Mass Transit Account which are attributable to the highway users of the State in lieu of the non-Mass Transit Account block grant for such fiscal years.

(B) ELIMINATION OF MASS TRANSIT FUEL TAX RATE.—

(i) IN GENERAL.—Upon notification by the Secretary of an election by a State under subparagraph (A), the Secretary of the Treasury shall, not later than August 1, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report that notifies the committees of such an election.

(ii) CONGRESSIONAL APPROVAL REQUIRED.—The Secretary of the Treasury shall not implement the election included in the report submitted under clause subparagraph (A) unless a joint resolution is enacted, in accordance with subparagraph (C), approving such election before the following October 1.

(C) CONGRESSIONAL CONSIDERATION.—

(i) TERMS OF THE RESOLUTION.—For purposes of subparagraph (B), the term ''joint resolution'' means only a joint resolution that is introduced before October 1 and—

(I) that does not have a preamble;

(II) the matter after the resolving clause of which is as follows: ''That Congress approves the elimination of the mass transit fuel tax rate for the State of ___ submitted on ___'', the blank spaces being filled in with the appropriate State and date, respectively; and

(III) the title of which is as follows: ''Joint resolution approving the elimination of the mass transit fuel tax rate.''.

(ii) CONSIDERATION.—A resolution described in clause (i) shall be considered in the same manner as a resolution is considered under clauses (ii), (iii), and (iv) of subsection (g)(2)(D).

(3) SATISFACTION YEAR.—For purposes of paragraph (1), the term ''satisfaction year'' means the fiscal year during which all Federal transit program obligations of a State payable from the Mass Transit Account existing on the date of the election by such State described in paragraph (1) are paid.

(i) ENFORCEMENT.—If the Secretary determines that a core program State (or any other State under subsection (h)(2)(B)) has used funds under this section for a purpose that is not a surface transportation purpose, the amount of the improperly used funds shall be deducted from any amount the State would otherwise receive from the Highway Account for the fiscal year that begins after the date of the determination.

(j) REPORTS.—

(1) ANNUAL STATE ASSESSMENT.—A core program State shall—

(A) assess the operation of the State surface transportation program funded under this section in each fiscal year, including the status of the core highway programs in the State; and

(B) report to the Secretary, by January 1 following the end of the fiscal year, on the result of the assessment.

(2) REPORT OF THE SECRETARY.—The Secretary shall submit to the appropriate committees of Congress an annual report and evaluation of the State surface transportation programs funded under this section based on the State assessments and reports submitted under paragraph (1). Such report shall include any conclusions and recommendations that the Secretary considers appropriate.

(k) INTERSTATE SURFACE TRANSPORTATION COMPACTS.—

(1) DEFINITIONS.—In this subsection:

(A) INFRASTRUCTURE BANK.—The term ''infrastructure bank'' means a surface transportation infrastructure bank established under an interstate compact under paragraph (2)(E) and described in paragraph (4).

(B) PARTICIPATING STATES.—The term ''participating States'' means the States that are parties to an interstate compact entered into under paragraph (2).

(C) SURFACE TRANSPORTATION PROJECT.—The term ''surface transportation project'' means a surface transportation project, program, or activity described in paragraph (2).

(2) CONSENT OF CONGRESS.—In order to increase public investment, attract needed private investment, and promote an intermodal transportation network, Congress grants consent to States to enter into interstate compacts to—

(A) promote the continuity, quality, and safety of the Interstate System (as defined in section 101 of title 23, United States Code);

(B) develop programs to promote and fund surface transportation safety initiatives and establish surface transportation safety standards for the participating States;

(C) conduct long-term planning for surface transportation infrastructure in the participating States;

(D) develop design and construction standards for infrastructure described in subparagraph (C) to be used by the participating States; and

(E) establish surface transportation infrastructure banks to promote regional or other multistate investment in infrastructure described in subparagraph (C).

(3) FINANCING.—An interstate compact established by participating States under paragraph (2) to carry out a surface transportation project may provide that, in order to carry out the compact, the participating States may—

(A) accept contributions from a unit of State or local government or a person;

(B) use any Federal or State funds made available for that type of surface transportation project;

(C) on such terms and conditions as the participating States consider advisable—

(i) borrow money on a short-term basis and issue notes for the borrowing; and

(ii) issue bonds; and

(D) obtain financing by other means permitted under Federal or State law, including surface transportation infrastructure banks under paragraph (4).

(4) INFRASTRUCTURE BANKS.—

(A) IN GENERAL.—An infrastructure bank may—

(i) make loans;

(ii) under the joint or separate authority of the participating States with respect to the infrastructure bank, issue such debt as the infrastructure bank and the participating States determine appropriate; and

(iii) provide other assistance to public or private entities constructing, or proposing to construct or initiate, surface transportation projects.

(B) FORMS OF ASSISTANCE.—

(i) IN GENERAL.—An infrastructure bank may make a loan or provide other assistance described in clause (iii) to a public or private entity in an amount equal to all or part of the construction cost, capital cost, or initiation cost of a surface transportation project.

(ii) SUBORDINATION OF ASSISTANCE.—The amount of any loan or other assistance described in clause (iii) that is received for a surface transportation project under this subsection may be subordinated to any other debt financing for the surface transportation project.

(iii) OTHER ASSISTANCE.—Other assistance referred to in clauses (i) and (ii) includes any use of funds for the purpose of—

(I) credit enhancement;

(II) a capital reserve for bond or debt instrument financing;

(III) bond or debt instrument financing issuance costs;

(IV) bond or debt issuance financing insurance;

(V) subsidization of interest rates;

(VI) letters of credit;

(VII) any credit instrument;

(VIII) bond or debt financing instrument security; and

(IX) any other form of debt financing that relates to the qualifying surface transportation project.

(C) NO OBLIGATION OF UNITED STATES.—

(i) IN GENERAL.—The establishment under this subsection of an infrastructure bank does not constitute a commitment, guarantee, or obligation on the part of the United States to any third party with respect to any security or debt financing instrument issued by the bank. No third party shall have any right against the United States for payment solely by reason of the establishment.

(ii) STATEMENT ON INSTRUMENT.—Any security or debt financing instrument issued by an infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(5) EFFECTIVE DATE.—This subsection takes effect on October 1, 1997.

(l) FEDERAL-AID FACILITY PRIVATIZATION.—

(1) DEFINITIONS.—In this subsection:

(A) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning provided in section 105 of title 5, United States Code.

(B) PRIVATIZATION.—The term ''privatization'' means the disposition or transfer of a transportation infrastructure asset, whether by sale, lease, or similar arrangement, from a State or local government to a private party.

(C) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means the government of—

(i) any State;

(ii) the District of Columbia;

(iii) any commonwealth, territory, or possession of the United States;

(iv) any county, municipality, city, town, township, local public authority, school district, special district, intrastate district, regional or interstate government entity, council of governments, or agency or instrumentality of a local government; or

(v) any federally recognized Indian tribe.

(D) TRANSPORTATION INFRASTRUCTURE ASSET.—

(i) IN GENERAL.—The term ''transportation infrastructure asset'' means any surface-transportation-related asset financed in whole or in part by the Federal Government, including a road, tunnel, bridge, or mass-transit-related or rail-related asset.

(ii) EXCLUSION.—The term does not include any transportation-related asset on the Interstate System (as defined in section 101 of title 23, United States Code).

(2) PRIVATIZATION INITIATIVES BY STATE AND LOCAL GOVERNMENTS.—The head of each Executive agency shall—

(A) assist State and local governments in efforts to privatize the transportation infrastructure assets of the State and local governments; and

(B) subject to paragraph (3), approve requests from State and local governments to privatize transportation infrastructure assets and waive or modify any condition relating to the original Federal program that funded the asset.

(3) CRITERIA.—The head of an Executive agency shall approve a request described in paragraph (2)(B) if—

(A) the State or local government demonstrates that a market mechanism, legally enforceable agreement, or regulatory mechanism will ensure that the transportation infrastructure asset will continue to be used for the general objectives of the original Federal program that funded the asset (which shall not be considered to include every condition required for the recipient of Federal funds to have obtained the original Federal funds), so long as needed for those objectives; and

(B) the private party purchasing or leasing the transportation infrastructure asset agrees to comply with all applicable conditions of the original Federal program.

(4) LACK OF OBLIGATION TO REPAY FEDERAL FUNDS.—A State or local government shall have no obligation to repay to any agency of the Federal Government any Federal funds received by the State or local government in connection with a transportation infrastructure asset that is privatized under this subsection.

(5) USE OF PROCEEDS.—

(A) IN GENERAL.—Subject to subparagraph (B), a State or local government may use proceeds from the privatization of a transportation infrastructure asset to the extent permitted under applicable conditions of the original Federal program.

(B) RECOVERY OF CERTAIN COSTS.—Notwithstanding any other provision of law, the State or local government shall be permitted to recover from the privatization of a transportation infrastructure asset—

(i) the capital investment in the transportation infrastructure asset made by the State or local government;

(ii) an amount equal to the unreimbursed operating expenses in the transportation infrastructure asset paid by the State or local government; and

(iii) a reasonable rate of return on the investment made under clause (i) and expenses paid under clause (ii).

(m) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the ''Director'') certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

ABRAHAM (AND DODD) AMENDMENT NO. 1911

(ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. DODD) submitted an amendment to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. CHILD SAFETY RESTRAINT RESEARCH.

(a) DEFINITIONS.—In this section:

(1) CHILD RESTRAINT EDUCATION PROGRAM.—The term ''child restraint education program'' includes a publication, audiovisual presentation, demonstration, or computerized child restraint education program.

(2) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(b) FINDINGS.—Congress finds the following:

(1) The annual losses in the United States from motor vehicle collisions are estimated to exceed 800 deaths and 80,000 injuries to children under the age of 5.

(2) It is estimated that properly used child restraints in motor vehicles can reduce the chance of serious or fatal injury in a motor vehicle collision—

(A) by a factor of 69 percent with respect to infants; and

(B) by a factor of 47 percent with respect to children under the age of 5.

(3) Some of the most common seating position designs that have emerged in motor vehicles during the last decade make secure installation of child restraints difficult and, in some circumstances, impossible.

(4) Results from regional child restraint clinics demonstrated that 70 to 90 percent of child restraints are improperly installed or otherwise misused and the improper installation or other misuse is largely attributable to the complication and wide variations in seat belt and child restraint designs.

(5) There is an immediate need to expand the availability of national, State, and local child restraint education programs and supporting resources and materials to assist agencies and associated organizations in carrying out effective public education concerning child restraints.

(c) CHILD PASSENGER EDUCATION.—

(1) AWARDS.—The Secretary may enter into contracts or cooperative agreements with, and may make grants to, State highway agencies and child passenger safety organizations that are recognized for their experience to obtain and distribute national, State, and local child restraint education programs and supporting educational materials.

(2) USE OF FUNDS.—Funds provided to an agency or organization under a contract, cooperative agreement, or grant under subsection (a) shall be used to implement child restraint programs that—

(A) are designed to prevent deaths and injuries to children under the age of 5; and

(B) educate the public concerning—

(i) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware and modification devices (if needed), including special installation techniques; and

(ii) appropriate child restraint design selection and placement and in harness threading and harness adjustment; and

(C) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

(3) DISTRIBUTION OF FUNDS.—An agency or organization that receives funds made available to the agency or organization under a contract, cooperative agreement, or grant under paragraph (1) shall, in carrying out paragraph (2)—

(A) use not more than 25 percent of those funds to support nationwide child restraint education programs that are in operation at the time that the funds are made available;

(B) use not more than 25 percent of those funds to support State child restraint education programs that are in operation at the time that the funds are made available; and

(C) use at least 50 percent of those funds to implement national, State, and local child restraint education programs that are not in operation at the time that the funds are made available.

(d) APPLICATIONS AND REPORTS.—

(1) APPLICATIONS.—To enter into a contract, cooperative agreement, or grant agreement under subsection (c)(1), the appropriate official of an agency or organization described in that section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) REPORTS.—

(A) IN GENERAL.—The appropriate official of each agency or organization that enters into a contract, cooperative agreement, or grant agreement under subsection (c)(1) shall prepare, and submit to the Secretary, an annual report for the period covered by the contract, cooperative agreement, or grant agreement.

(B) REQUIREMENTS FOR REPORTS.—A report described in subparagraph (A) shall—

(i) contain such information as the Secretary may require; and

(ii) at a minimum, describe the program activities undertaken with the funds made available under the contract, cooperative agreement, or grant agreement, including—

(I) any child restraint education program that has been developed directly or indirectly by the agency or organization and the target population of that program;

(II) support materials for such a program that have been obtained by that agency or organization and the method by which that agency or organization distributed those materials; and

(III) any initiatives undertaken by the agency or organization to develop public-private partnerships to secure non-Federal support for the development and distribution of child restraint education programs and materials.

(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this section that includes a description of the programs undertaken and materials developed and distributed by the agencies and organizations that receive funds under subsection (c)(1).

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (c), there are authorized to be appropriated to the Department of Transportation $7,500,000 for each of fiscal years 1999 and 2000, of which not more than $350,000 may be spent in any fiscal year for administrative costs.

HUTCHISON (AND BOXER) AMENDMENT NO. 1912

(ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mrs. BOXER) submitted an amendment to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 101, strike line 21 and insert the following:

(5) ALLOCATION OF FUNDS.—For each fiscal year, of the funds available to carry out this subsection after any transfer under paragraph (4)—

(A) 50 percent shall be allocated to border States, of which—

(i) 45 percent shall be allocated among border States located along the border with Canada in accordance with the ratio that—

(I) the annual quantity of commercial vehicle and automobile traffic crossing the border with Canada into each such border State; bears to

(II) the annual quantity of commercial vehicle and automobile traffic crossing the border with Canada into all such border States;

(ii) 45 percent shall be allocated among border States located along the border with Mexico in accordance with the ratio that—

(I) the annual quantity of commercial vehicle and automobile traffic crossing the border with Mexico into each such border State; bears to

(II) the annual quantity of commercial vehicle and automobile traffic crossing the border with Mexico into all such border States; and

(iii) 10 percent shall be used to provide discretionary grants to border States with a share of the annual quantity of commercial vehicle and automobile traffic crossing the border with Canada or Mexico into all border States that is 5 percent or less; and

(B) 50 percent shall be allocated for planning and development of trade corridors.

(6) USE OF UNITED STATES CUSTOMS SERVICE DATA.—In making allocations under paragraph (5)(A), the Secretary shall use the data concerning quantity of traffic provided by the United States Customs Service for the most recent 12-month period for which the data are available.

(7) ELIGIBILITY FOR REIMBURSEMENT FOR PREVIOUSLY CONSTRUCTED PROJECTS.—The Secretary may make a grant under this subsection to a border State as reimbursement for a project that opened for service after January 1, 1994, if the project is eligible for assistance under this subsection but for the date on which the project opened for service.

(8) AUTHORIZATION OF APPROPRIATIONS.—

HUTCHISON AMENDMENT NO. 1913

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 74, strike line 23 and insert the following: nance of the system.

''(8) A state may, at its discretion, expend up to one-fourth of one percent of its annual Highway Trust Fund apportionments on initiatives to halt the evasion of payment of motor fuel taxes.''.

SNOWE (AND SMITH) AMENDMENT NO. 1914

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. SMITH of New Hampshire) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 236, between lines 16 and 17, insert the following:

SEC. 14___. REPORT ON EFFECTS OF ALLOWING HEAVIER WEIGHT VEHICLES ON CERTAIN HIGHWAYS.

(a) DEFINITION OF HEAVIER WEIGHT VEHICLE.—In this section, the term ''heavier weight vehicle'' means a vehicle the operation of which on the Interstate System is prohibited under section 127 of title 23, United States Code.

(b) REPORT.—Not later than December 31, 2000, the Secretary shall submit to Congress a report on the effects of allowing operation of heavier weight vehicles on Interstate Route 95 in the States of Maine and New Hampshire.

(c) CONTENTS.—The report shall contain an analysis of the safety, infrastructure, cost recovery, environmental, and economic implications of that operation.

(d) CONSULTATION.—In preparing the report, the Secretary shall consult with the safety and modal administrations of the Department of Transportation, and the States of Maine and New Hampshire.

(e) MORATORIUM ON WITHHOLDING OF FUNDS.—Notwithstanding section 127 of title 23, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of the end of fiscal year 2002 or the date that is 1 year after the date of submission of the report under subsection (b), the Secretary shall not withhold, under that section, funds from apportionment to the States of Maine and New Hampshire.

SMITH AMENDMENT NO. 1915

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 337, after the item relating to section 512, insert the following:

''513. Recycled materials resource center.

On page 381, strike line 7 and insert the following:

SEC. 2018. RECYCLED MATERIALS RESOURCE CENTER.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

''§ 513. Recycled materials resource center

''(a) ESTABLISHMENT.—The Secretary shall establish at the University of New Hampshire a research program to be known as the 'Recycled Materials Resource Center' (referred to in this section as the 'Center').

''(b) ACTIVITIES.—

''(1) IN GENERAL.—The Center shall—

''(A) systematically test, evaluate, develop appropriate guidelines for, and demonstrate environmentally acceptable and occupationally safe technologies and techniques for the increased use of traditional and nontraditional recycled and secondary materials in transportation infrastructure construction and maintenance;

''(B) make information available to State transportation departments, the Federal Highway Administration, the construction industry, and other interested parties to assist in evaluating proposals to use traditional and nontraditional recycled and secondary materials in transportation infrastructure construction;

''(C) encourage the increased use of traditional and nontraditional recycled and secondary materials by using sound science to analyze thoroughly all potential long-term considerations that affect the physical and environmental performance of the materials; and

''(D) work cooperatively with Federal and State officials to reduce the institutional barriers that limit widespread use of traditional and nontraditional recycled and secondary materials and to ensure that such increased use is consistent with the sustained environmental and physical integrity of the infrastructure in which the materials are used.

''(2) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out paragraph (1)(C), the Secretary may authorize the Center to—

''(A) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

''(B) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

''(c) REVIEW AND EVALUATION.—

''(1) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

''(2) NOTIFICATION OF DEFICIENCIES.—In carrying out paragraph (1), if the Secretary determines that the Center is deficient in carrying out subsection (b), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

''(3) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under paragraph (2), the Secretary determines that the Center has not corrected each deficiency identified under paragraph (2), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination, disqualify the Center from further participation under this section.

''(d) FUNDING.—Of amounts made available under section 541, $2,000,000 shall be made available for each fiscal year to carry out this section.

SEC. 2019. CONFORMING AMENDMENTS.

On page 415, strike ''and 511'' and insert ''511, and 513''.

STEVENS AMENDMENT NO. 1916

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Insert at the appropriate place:

SEC. 11 __. MUNICIPALITY OR FERRY AUTHORITY.

(a) Notwithstanding any other provision of law, section 5333(b) of title 49, United States Code, shall not apply to a grant to a municipality of ferry authority for a ferry operated between points which are not connected by road to the remainder of the United States, Canada, or Mexico and which is replacing service that has been or will be diminished by the applicable State or ferry authority within 24 months of the date of passage of this amendment.

(b) The Federal Transit Administration is authorized to award a grant to a municipality or ferry authority required by State law to operate its ferry without any guarantee from other municipal receipts or financing.

BOXER AMENDMENTS NOS. 1917–1919

(Ordered to lie on the table.)

Mrs. BOXER submitted three amendments intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1917

On page ___, line ___, insert ''and provides nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143)'' after ''for mass transportation''.

AMENDMENT NO. 1918

On page ___, line ___ After the word ''Michigan,'' insert ''and the western end of the San Francisco-Oakland Bay Bridge, California, and the ramps connecting the San-Francisco-Oakland Bay Bridge to Treasure Island, California,''

AMENDMENT NO. 1919

SEC. ___ HOLD HARMLESS.

Notwithstanding any other provision of law, no state, except for the State of Massachusetts and any state that receives a minimum guarantee or transition fund under this Act, shall receive a share of apportioned funds that is less than the average of apportioned funds received under P.L. 102–240.

To the extent annually necessary, discretionary funds under Interstate Maintenance/National Highway System, the Surface Transportation Program and the Secretary's Reserve shall be reduced to provide funds necessary to meet the requirements of this provision.

ROBB AMENDMENT NO. 1920

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 15, line 8, insert the following:

(7) STATE AND DISTRICT OF COLUMBIA APPROVAL OF ACTION BY THE TRANSPORTATION.—

Any exercise of the powers granted under Section—006(b)(6) of this title must be approved by the state departments of transportation in Virginia and Maryland, and the Department of Public Works of the District of Columbia.

CHAFEE AMENDMENT NO. 1921

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

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 $12,396,548,000 for fiscal year 1998, $12,044,111,000 for fiscal year 1999, $12,019,269,000 for fiscal year 2000, $12,048,589,000 for fiscal year 2001, $12,329,654,000 for fiscal year 2002, and $12,758,889,000 for fiscal year 2003, of which—

(A) $4,636,331,000 for fiscal year 1998, $4,645,686,000 for fiscal year 1999, $4,674,832,000 for fiscal year 2000, $4,712,561,000 for fiscal year 2001, $4,807,175,000 for fiscal year 2002, and $4,956,807,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,411,057,000 for fiscal year 1998, $1,414,167,000 for fiscal year 1999, $1,422,512,000 for fiscal year 2000, $1,434,740,000 for fiscal year 2001, $1,463,404,000 for fiscal year 2002, and $1,508,812,000 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 $7,055,286,000 for fiscal year 1998, $7,069,830,000 for fiscal year 1999, $7,113,569,000 for fiscal year 2000, $7,171,685,000 for fiscal year 2001, $7,315,015,000 for fiscal year 2002, and $7,543,000,000 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 $1,159,082,000 for fiscal year 1998, $1,161,170,000 for fiscal year 1999, $1,168,457,000 for fiscal year 2000, $1,178,644,000 for fiscal year 2001, $1,815,000,000 for fiscal year 2002, and $1,860,000,000 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.

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 made available for expenditure on the Interstate and National Highway System program, 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) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) 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) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) 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, and for the purposes specified in subparagraph (A), 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 DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) 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 150 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, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 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.—Except as provided in paragraph (3), 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	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.76
Rhode Island	0.61
South Dakota	0.81
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

"(3) EXCLUSION.—A State shall not be eligible to receive an allocation under paragraph (1)(A) if, during the period beginning on the effective date of the establishment of the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1954 and ending on October 1 of the applicable fiscal year—

"(A) the total of the apportionments and allocations to the State from the Highway Trust Fund (other than the Mass Transit Account); exceeds

"(B) the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account).

"(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)(3)".

(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)(3)"; 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)''.

(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)''.

(7) Section 142(b) of title 23, United States Code, is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(1)(A)''.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking ''section 104(b)(1)'' and inserting ''section 104(b)''.

CHAFEE (AND GRAHAM) AMENDMENT NO. 1922

Mr. CHAFEE (for himself and Mr. GRAHAM) proposed an amendment to amendment No. 1922 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 197, strike line 11 and all that follows through page 218 and insert the following:

SEC. 1313. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''§ 181. Definitions

''In this subchapter:

''(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

''(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

''(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

''(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

''(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

''(3) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

''(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

''(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

''(4) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

''(5) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

''(6) LOCAL SERVICER.—The term 'local servicer' means—

''(A) a State infrastructure bank established under this title; or

''(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

''(7) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

''(8) PROJECT.—The term 'project' means—

''(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49; and

(B) a project for an international bridge or tunnel for which an international entity authorized under State or Federal law is responsible.

''(9) PROJECT OBLIGATION.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

''(10) SECURED LOAN.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

''(11) STATE.—The term 'State' has the meaning given the term in section 101.

''(12) SUBSTANTIAL COMPLETION.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

''§ 182. Determination of eligibility and project selection

''(a) ELIGIBILITY.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

''(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

''(A) shall be included in the State transportation plan required under section 135; and

''(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

''(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

''(3) ELIGIBLE PROJECT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(i) $100,000,000; or

''(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently-completed fiscal year to the State in which the project is located.

''(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

''(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable, in whole or in

part, from tolls, user fees, or other dedicated revenue sources.

''(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

''(b) SELECTION AMONG ELIGIBLE PROJECTS.—

''(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

''(2) SELECTION CRITERIA.—The selection criteria shall include the following:

''(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

''(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

''(C) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

''(D) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

''(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

''(F) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

''(G) The extent to which the project helps maintain or protect the environment.

''(H) The extent to which assistance under this chapter would reduce the contribution of Federal Grant assistance to the project.

''(c) FEDERAL REQUIREMENTS.—The following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

''(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

''(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

''§ 183. Secured loans

''(a) IN GENERAL.—

''(1) AGREEMENTS.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

''(A) to finance eligible project costs; or

''(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

''(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(3) PAYMENT.—The secured loan—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

''(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

''(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

''(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

''(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

''(c) REPAYMENT.—

''(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''(4) DEFERRED PAYMENTS.—

''(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

''(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

''(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

''(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

''(5) PREPAYMENT.—

''(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

''(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

''(d) SALE OF SECURED LOANS.—

''(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

''(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

''(e) LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

''(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

''§ 184. Lines of credit

''(a) IN GENERAL.—

''(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

''(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

''(b) TERMS AND LIMITATIONS.—

''(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

''(2) MAXIMUM AMOUNTS.—

''(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

''(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

''(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

''(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

''(5) SECURITY.—The line of credit—

''(A) shall—

''(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

''(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

''(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

''(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

''(7) RIGHTS OF THIRD PARTY CREDITORS.—

''(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

''(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

''(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 bankruptcy, insolvency, or liquidation of the obligor.

''(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

''(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

''(c) REPAYMENT.—

''(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

''(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

''(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

''§ 185. Project servicing

''(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

''(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

''(1) shall act as the agent for the Secretary; and

''(2) may receive a servicing fee, subject to approval by the Secretary.

''(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

''(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

''§ 186. State and local permits

''The provision of financial assistance under this subchapter with respect to a project shall not—

''(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

''(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

''(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

''§ 187. Regulations

''The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

''§ 188. Funding

''(a) 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 subchapter—

''(A) $60,000,000 for fiscal year 1998;

''(B) $60,000,000 for fiscal year 1999;

''(C) $90,000,000 for fiscal year 2000;

''(D) $90,000,000 for fiscal year 2001;

''(E) $115,000,000 for fiscal year 2002; and

''(F) $115,000,000 for fiscal year 2003.

''(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

''(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

''(b) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

''(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

''(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

''Fiscal year:	Maximum amount of credit:
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

''§ 189. Imposition of annual fee on recipients

''(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to the recipient during the year under this subchapter.

''(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument.

''(c) APPLICABLE PERCENTAGE.—For the purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

''(1) any of fiscal years 1999 through 2003, 1.9095 percent; and

''(2) any fiscal year after 2003, 0.5144 percent.

''(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

''(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

''§ 190. Report to Congress

''Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

''(1) by continuing the program under the authority of the Secretary;

''(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

''(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.''.

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before ''Sec.'' the following:

''SUBCHAPTER I—GENERAL PROVISIONS'';

and

(B) by adding at the end the following:

''SUBCHAPTER II—INFRASTRUCTURE FINANCE

''181. Definitions.
''182. Determination of eligibility and project selection.
''183. Secured loans.
''184. Lines of credit.
''185. Project servicing.
''186. State and local permits.
''187. Regulations.
''188. Funding.
''189. Imposition of annual fee on recipients.
''190. Report to Congress.'';

and

(2) by inserting before section 101 the following:

''SUBCHAPTER I—GENERAL PROVISIONS''.

SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.

(a) DUTIES OF THE SECRETARY.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.''.

(b) OFFICE OF INFRASTRUCTURE FINANCE.—

(1) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 113. Office of Infrastructure Finance

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

''(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

''(c) FUNCTIONS.—The Director shall be responsible for—

''(1) carrying out the responsibilities of the Secretary described in section 301(9);

''(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

''(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''113. Office of Infrastructure Finance.''.

GRAHAM (AND MURRAY) AMENDMENT NO. 1923

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. NEW START RATING AND EVALUATION.

(a) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) of title 49, United States Code, is amended to read as follows:

''(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

''(1) The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary decides that the proposed project is—

''(A) based on the results of an alternatives analysis and preliminary engineering;

''(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

''(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

''(2) In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

''(3) In evaluating a project under paragraph (1)(B), the Secretary shall—

''(A) consider the direct and indirect costs of relevant alternatives;

''(B) account for costs and benefits related to factors such as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

''(C) identify and consider mass transportation supportive existing land use policies and future patterns, and the cost of urban sprawl;

''(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

''(E) consider population density, and current transit ridership in the corridor, and avoided cost per new rider;

''(F) consider the technical capability of the grant recipient to construct the project;

''(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

''(H) consider other factors the Secretary considers appropriate to carry out this chapter.

''(3)(A) The Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate results of alternatives analysis, project justification, and the degree of local financial commitment.

''(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs.

''(4)(A) In evaluating a project under paragraph (1)(C), the Secretary shall require that—

''(i) the proposed project plan provides for the availability of contingency amounts the Secretary of Transportation determines to be reasonable to cover unanticipated cost overruns;

''(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

''(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

''(B) In assessing the stability, reliability, and availability of proposed sources of local financing, the Secretary of Transportation shall consider—

''(i) existing grant commitments;

''(ii) the degree to which financing sources are dedicated to the purposes proposed;

''(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

''(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

''(5)(A) Not later than 120 days after the date of enactment of the Federal Transit Act of 1997, the Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment.

''(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs as required under this subsection.

''(6)(A) A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary of Transportation finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet the requirements.

''(B) In making any findings under subparagraph (A), the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended, based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection.

''(C) In rating each project, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the guidelines issued under paragraph (5).

''(7)(A) Each project financed under this subsection shall be carried out through a full funding grant agreement.

''(B) The Secretary shall enter a full funding grant agreement based on evaluations and ratings required under this subsection.

''(C) The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

''(8)(A) A project for a fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

''(B) The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary of Transportation shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

''(i) located in a nonattainment area;

''(ii) a transportation control measure (as that term is defined in the Clean Air Act (42 U.S.C. 7401 et seq.)); and

''(iii) required to carry out the State Implementation Plan.

''(C) This subsection does not apply to a part of a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

''(D) This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Transit Act of 1997.''.

(b) LETTERS OF INTENT, FULL FINANCING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—Section 5309(g) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking ''FINANCING'' and inserting ''FUNDING'';

(2) by striking ''full financing'' each place it appears and inserting ''full funding''; and

(3) in paragraph (1)(B)—

(A) by striking ''30 days'' and inserting ''60 days'';

(B) by inserting ''or entering into a full funding grant agreement'' after ''this paragraph''; and

(C) by striking ''issuance of the letter'' and inserting ''letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as evaluations and ratings for the project''.

(c) REPORTS.—Section 5309 of title 49, United States Code, is amended by adding at the end the following:

''(p) REPORTS.—

''(1) FUNDING LEVELS AND ALLOCATIONS OF FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

''(A) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

''(B) RECOMMENDATIONS ON FUNDING.—Each report submitted under this paragraph shall include—

''(i) evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of enactment of the Federal Transit Act of 1997 or October 1 of the preceding fiscal year, whichever date is earlier; and

''(ii) recommendations of projects for funding, based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years, based on information available to the Secretary.

''(2) SUPPLEMENTAL REPORT ON NEW STARTS.—On August 30 of each year, the Secretary shall submit a report to Congress that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

''(3) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall—

''(A) conduct an annual review of—

''(i) the processes and procedures for evaluating and rating projects and recommending projects; and

''(ii) the Secretary's implementation of such processes and procedures; and

''(B) report to Congress on the results of such review not later than April 30 of each year.''.

BRYAN AMENDMENT NO. 1924

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to amendment No. 1737 submitted by Mr. HOLLINGS to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

''§ 5117. Special permits, pilot programs, exemptions, and exclusions'';

(2) by striking ''2 years'' in subsection (a)(2) and inserting ''4 years'';

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

''(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

''(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

''(A) a source of supply to a farm;

''(B) a farm to another farm;

''(C) a field to another field on a farm; or

''(D) a farm back to the source of supply.

''(2) LIMITATION.—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

''(3) SAFETY LEVELS.—In carrying out a pilot project under this subsection, 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 chapter.

''(4) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

''(5) NONAPPLICATION.—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.''.

''(b) Section 5119(c) is amended by adding at the end 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, pilot programs, exemptions, and exclusions.''.

CHAFEE AMENDMENTS NOS. 1925–1926

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to amendments submitted by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1925

At the top of page 2, insert the following new subsection, and redesignate subsection (f) as subsection (g):

''(f) REQUIRED ESTABLISHMENT OF A SMALL BUSINESS PROGRAM.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a final order of a Federal court finding the program to be unconstitutional, the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

''(1) goals for the participation of small businesses;

''(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

''(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

''(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.''.

AMENDMENT NO. 1926

At the top of page 2, insert the following new subsection, and redesignate subsection (f) as subsection (g):

''(f) REQUIRED ESTABLISHMENT OF A SMALL BUSINESS PROGRAM.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a court order as described in subsection (e), the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

''(1) goals for the participation of small businesses;

''(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

''(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

''(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.''.

BAUCUS AMENDMENT NO. 1927

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1771 submitted by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 1, line 7, strike all after ''by'' through the period at the end of line 7, and insert the following: ''reason of a final order of a federal court finding unconstitutional the program established by the Secretary pursuant to subsection (a).''.

BAUCUS AMENDMENT NO. 1928

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1772 submitted by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 1, line 7, strike all after ''by'' through the period at the end of line 7, and insert the following: ''reason of a final order of a federal court finding unconstitutional the program established by the Secretary pursuant to subsection (a).''.

MOSELEY-BRAUN AMENDMENTS NOS. 1929–1930

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted two amendments intended to be proposed by her to amendments submitted to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1929

On page 9 of the amendment, strike line 22 and insert the following: ''ized area.

''(7) LIMITATION ON MINIMUM ALLOCATION.—A State shall not be eligible for a minimum allocation of funding in any fiscal year in accordance with this subsection if, with respect to the State, the ratio that—

''(A) the State's percentage of the total apportionments for the fiscal year under—

''(i) 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;

''(ii) section 105 of that title; and

''(iii) section 1102(c); bears to

''(B) the 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 greater than 1.''.

AMENDMENT NO. 1930

On page 9 of the amendment, strike line 22 and insert the following: ''ized area.

''(7) LIMITATION ON MINIMUM ALLOCATION.—

''(A) IN GENERAL.—No State may receive a minimum allocation of funding in any fiscal year in accordance with this subsection if the balance of Federal payments for that State in the preceding fiscal year is less than the average balance of Federal payments for the 10 States receiving the most Federal funding under this chapter in the preceding fiscal year.

''(B) BALANCE OF FEDERAL PAYMENTS DEFINED.—In this paragraph, the term 'balance of Federal payments' means total Federal spending in the State at issue, divided by the total Federal taxes attributable to taxpayers in that State.''.

D'AMATO AMENDMENT NO. 1931

Mr. D'AMATO proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill S. 1173, supra; as follows:

At the appropriate place, insert the following:

TITLE ____—MASS TRANSIT

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Federal Transit Act of 1997''.

SEC. ___02. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 of title 49, United States Code, is amended to read as follows:

''§ 5338. Authorizations

''(a) SECTIONS 5303–5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, AND 5334 (a) AND (c).—

''(1) MASS TRANSIT ACCOUNT AMOUNTS.—Not more than the following amounts are available to the Secretary from the Account to carry out sections 5303 through 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, and subsections (a) and (c) of section 5334:

''(A) $2,698,790,000 for fiscal year 1998.

''(B) $2,773,934,000 for fiscal year 1999.

''(C) $2,849,079,000 for fiscal year 2000.

''(D) $2,925,965,000 for fiscal year 2001.

''(E) $3,004,667,000 for fiscal year 2002.

''(F) $3,085,725,000 for fiscal year 2003.

''(2) OTHER AMOUNTS.—In addition to amounts made available under paragraph (1), not more than the following amounts may be appropriated to the Secretary to carry out section 5303 through 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, and subsections (a) and (c) of section 5334:

''(A) $738,000,000 for fiscal year 1998.

''(B) $756,000,000 for fiscal year 1999.

''(C) $774,000,000 for fiscal year 2000.

''(D) $793,000,000 for fiscal year 2001.

''(E) $812,000,000 for fiscal year 2002.

''(F) $832,000,000 for fiscal year 2003.

''(b) SECTION 5309.—Not more than the following amounts are available to the Secretary from the Account to carry out section 5309:

''(1) $2,221,210,000 for fiscal year 1998.

''(2) $2,278,770,000 for fiscal year 1999.

''(3) $2,340,501,000 for fiscal year 2000.

''(4) $2,403,661,000 for fiscal year 2001.

''(5) $2,468,315,000 for fiscal year 2002.

''(6) $2,534,904,000 for fiscal year 2003.

''(c) SECTION 5315.—

''(1) IN GENERAL.—The Secretary shall make available in equal amounts from amounts provided under paragraphs (3) and (4) of subsection (g) of this section, not more than $4,000,000 for each of fiscal years 1998 through 2003, to carry out section 5315.

''(2) WORKPLACE SAFETY.—Not more than $1,000,000 shall be appropriated to the Secretary for each of fiscal years 1998 through 2003, to carry out section 5315(a)(15).

''(d) SECTION 5316.—Not more than the following amounts may be appropriated to the Secretary from the Fund (other than from the Account) for each of fiscal years 1998 through 2003:

''(1) $250,000 to carry out section 5316(a).

''(2) $3,000,000 to carry out section 5316(b).

''(3) $1,000,000 to carry out section 5316(c).

''(4) $1,000,000 to carry out section 5316(d).

''(5) $1,000,000 to carry out section 5316(e).

''(e) SECTION 5317.—Not more than $6,000,000 is available to the Secretary from the Fund (other than from the Account) for each of fiscal years 1998 through 2003, to carry out section 5317.

''(f) SECTION 5307.—Amounts remaining available for each fiscal year under subsection (a) of this section, after allocation under subsections (g), (h), and (i)(2) of this section, are available to carry out section 5307.

''(g) PLANNING, PROGRAMMING, AND RESEARCH.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a) of this section, an amount equal to 3 percent of amounts made available or appropriated under subsections (a) and (b), less the amounts authorized for purposes of section 5320a, of this section is available as follows:

''(1) 45 percent for metropolitan planning activities under section 5303(g).

''(2) 5 percent to carry out section 5311(b)(2).

''(3) 20 percent to carry out State programs under section 5313.

''(4) 30 percent to carry out the national program under section 5314.

''(h) OTHER SET-ASIDES.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a) of this section, of amounts made available or appropriated under subsections (a) and (b), less the amounts authorized for purposes of section 5320a, of this section—

''(1) not more than 0.96 percent is available for administrative expenses to carry out subsections (a) and (c) through (f) of section 5334;

''(2) not more than 1.34 percent is available for transportation services to elderly individuals and individuals with disabilities under the formula under section 5310(a); and

''(3) $6,000,000 is available to carry out section 5317 for each of fiscal years 1998 through 2003.

''(i) LIMITATIONS.—Of amounts made available—

''(1) under subsection (a)(2), less the amounts authorized for purposes of section 5320a, of this section—

''(A) 3.5 percent may be used to finance programs and activities, including administrative costs, under section 5310;

''(B) to finance research, development, and demonstration projects under section 5312(a), 1.5 percent may be used to increase the information and technology available to provide improved mass transportation service and facilities planned and designed to meet the special needs of elderly individuals and individuals with disabilities; and

''(C) not more than 12.5 percent may be used for grants to any 1 State under section 5312(c)(2);

''(2) under subsection (a) of this section, less the amounts authorized for purposes of section 5320a, 5.5 percent of the amount remaining available each year, after allocation under subsections (g) and (h) of this section, is available under the formula under section 5311; and

''(3) under section 5309(m)(1)(C), the lesser of $3,000,000 or an amount that the Secretary determines is necessary for each fiscal year is available to carry out section 5318 for each of fiscal years 1998 through 2003.

''(j) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) FEDERAL OBLIGATIONS.—A grant or contract approved by the Secretary that is financed with amounts made available under subsection (a)(1), (b), (c), (d), or (e) of this section, is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

''(2) APPROPRIATIONS LIMITATION.—A grant or contract approved by the Secretary that is financed with amounts made available under subsection (a)(2) of this section, is a contractual obligation of the United States Government to pay the Government's share of the cost of the project, only to the extent that amounts are provided in advance in an appropriations Act.

''(k) EARLY APPROPRIATIONS AND AVAILABILITY OF AMOUNTS.—

''(1) EARLY APPROPRIATION.—Amounts appropriated under subsection (a)(2) of this section to carry out section 5311 may be appropriated in the fiscal year before the fiscal year in which the appropriation is available for obligation.

''(2) AVAILABILITY OF AMOUNTS.—Amounts made available or appropriated under subsections (a), (b), and (g), paragraphs (1) and (2) of subsection (h), and subsection (i)(2) of this section shall remain available until expended.

''(*l*) SECTION 5308.—In each fiscal year, before apportioning or allocating amounts made available or appropriated under subsections (a) and (b), of amounts made available or appropriated under subsections (a) or (b) of this section, not more than $200,000,000 is available to carry out section 5308, with $100,000,000 made available from amounts made available from amounts provided under subsection (a)(2) of this section and $100,000,000 made available from amounts provided under subsection (b) of this section.

''(m) SECTION 5320a.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a), of amounts appropriated under subsection (a)(2) of this section, not more than $100,000,000 is available to carry out section 5320a.

''(n) TRANSIT EQUITY PROGRAM.—

''(1) IN GENERAL.—The purpose of this subsection is to further the national interest by providing proportional increases in funding for national mass transit programs, commensurate with increases in national highway programs, in order to ensure balanced improvement in the national intermodal transportation system.

''(2) FUNDING.—There are authorized to be appropriated to carry out this subsection, from the General Fund of the Treasury of the United States, the following amounts:

''(A) $1,000,000,000 for fiscal year 1999.

''(B) $1,000,000,000 for fiscal year 2000.

''(C) $1,000,000,000 for fiscal year 2001.

''(D) $1,000,000,000 for fiscal year 2002.

''(E) $1,000,000,000 for fiscal year 2003.

''(3) ELIGIBLE USES.—Amounts made available to carry out this subsection shall be available for capital projects eligible under sections 5307, 5309, 5310, and 5311, including meeting obligations of the United States associated with multiyear funding commitments, full funding grant agreements under section 5309, and innovative financing activities.

''(4) CONTINGENT COMMITMENT AUTHORITY.—Notwithstanding subsection (g)(4) of section 5309, the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent and full financing grant agreements may be greater than the amounts authorized under subsection (b) of this section by an amount equal to not more than the amount authorized to be appropriated under paragraph (6) of this subsection as of the end of fiscal year 2003.

''(5) FIXED GUIDEWAY MODERNIZATION.—In addition to amounts authorized in section 5338(b), the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(A) for fixed guideway modernization:

''(A) $100,000,000 for fiscal year 1999.

''(B) $100,000,000 for fiscal year 2000.

''(C) $100,000,000 for fiscal year 2001.

''(D) $100,000,000 for fiscal year 2002.

''(E) $100,000,000 for fiscal year 2003.

''(6) CAPITAL PROJECTS FOR FIXED GUIDEWAY SYSTEMS.—

''(A) IN GENERAL.—In addition to amounts authorized in under subsection (b) of this section, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(B) for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems:

''(i) $500,000,000 for fiscal year 1999.

''(ii) $500,000,000 for fiscal year 2000.

''(iii) $500,000,000 for fiscal year 2001.

''(iv) $500,000,000 for fiscal year 2002.

''(v) $500,000,000 for fiscal year 2003.

''(B) FERRY BOAT SYSTEMS.—Not less than 2.8 percent of the amount made available under subparagraph (A) in any fiscal year shall be available for capital projects for existing and new fixed guideway systems that are ferry boats, ferry terminal facilities, that are approaches to ferry terminal facilities in the noncontiguous States, except that the requirements of section 5333(b) do not apply to such projects or to ferry boat projects for which funds have previously been provided under this chapter in such States.

''(7) BUSES AND RELATED EQUIPMENT.—In addition to amounts authorized in section 5338(b), the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(C) to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities:

''(A) $100,000,000 for fiscal year 1999.

''(B) $100,000,000 for fiscal year 2000.

''(C) $100,000,000 for fiscal year 2001.

''(D) $100,000,000 for fiscal year 2002.

''(E) $100,000,000 for fiscal year 2003.

''(8) URBANIZED AREAS; ELDERLY INDIVIDUALS AND DISABLED INDIVIDUALS.—

''(A) IN GENERAL.—In addition to amounts authorized in section 5338(a) for activities under sections 5307 and 5310, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts made available for activities under section 5307 for urbanized areas and for activities under section 5310 for elderly individuals and individuals with disabilities:

''(i) $250,000,000 for fiscal year 1999.

''(ii) $250,000,000 for fiscal year 2000.

''(iii) $250,000,000 for fiscal year 2001.

''(iv) $250,000,000 for fiscal year 2002.

''(v) $250,000,000 for fiscal year 2003.

''(B) ALLOCATION.—Of the amount appropriated under this paragraph for each fiscal year—

''(i) 97 percent is available for activities under section 5307; and

''(ii) 3 percent is available for activities under section 5310.

''(9) OTHER THAN URBANIZED AREAS.—In addition to amounts authorized in section 5338(a) for areas other than urbanized areas, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts made available for assistance for areas other than urbanized areas under section 5311:

''(A) $50,000,000 for fiscal year 1999.

''(B) $50,000,000 for fiscal year 2000.

''(C) $50,000,000 for fiscal year 2001.

''(D) $50,000,000 for fiscal year 2002.

''(E) $50,000,000 for fiscal year 2003.

''(o) DEFINITIONS.—In this section—

''(1) the term 'Account' means the Mass Transit Account of the Highway Trust Fund;

''(2) the term 'Fund' means the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986; and

''(3) the term 'Secretary' means the Secretary of Transportation.''.

(b) WORK AGREEMENTS AS OBLIGATIONS.—

Section 5309(g)(3)(B) of title 49, United States Code, is amended by adding at the end the following: ''The work agreement shall state that the work agreement is not an obligation of the Government.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5318(d), by striking ''5338(j)(5)'' and inserting ''5338(i)(3)''; and

(2) in section 5333(b)(1), by striking ''5338(j)(5)'' each place that term appears and inserting ''5338(i)(3)''.

SEC. ___03. CAPITAL PROJECTS AND SMALL AREA FLEXIBILITY.

(a) IN GENERAL.—Section 5302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by inserting ''intelligent transportation systems,'' after ''rights agreements,'';

(B) in subparagraph (C), by striking ''or'' at the end;

(C) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(E) preventive maintenance;

''(F) the leasing of equipment and facilities for use in mass transportation;

''(G) the introduction of new technology, through innovative and improved products, into mass transportation; or

''(H) a mass transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to a mass transportation facility, and the renovation and improvement of historic transportation facilities, because the improvement—

''(i) enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project or establishes new or enhanced coordination between mass transportation and other transportation; and

''(ii) provides a fair share of revenue for mass transportation that will be used for mass transportation;''; and

(2) by adding at the end the following:

''(c) ELIGIBLE COSTS OF PROJECTS THAT ENHANCE URBAN ECONOMIC DEVELOPMENT OR INCORPORATE PRIVATE INVESTMENT.—Eligible costs for a capital project described in subsection (a)(1)(H)—

''(1) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, safety elements (such as lighting, surveillance, and community police and security services) that protect a transit project eligible under this chapter, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; and

''(2) do not include construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation, except that, if such facilities incorporate community services such as daycare, health care, and public safety, the portion of the facilities related to such community services are eligible costs under this chapter.''.

(b) SMALL AREA FLEXIBILITY.—Section 5307(b)(1) of title 49, United States Code, is amended by adding at the end the following: ''The Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of less than 200,000.''.

(c) DISCRETIONARY GRANTS AND LOANS.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraphs (D) and (E); and

(B) by redesignating subparagraphs (F) and (G) as subparagraphs (D) and (E), respectively; and

(2) in subsection (f)—

(A) by striking ''(f)'' and all that follows through ''(1) Each'' and inserting the following:

''(f) REQUIRED PAYMENTS.—Each''; and

(B) by striking paragraph (2).

SEC. ___04. METROPOLITAN PLANNING.

(a) IN GENERAL.—

(1) SECTION 5303.—Section 5303 of title 49, United States Code, is amended—

(A) by striking subsections (a) and (b) and inserting the following:

''(a) DEVELOPMENT REQUIREMENTS.—

''(1) IN GENERAL.—To carry out section 5301(a), metropolitan planning organizations designated under subsection (c) of this section, in cooperation with the States and mass transportation operators, shall develop transportation plans and programs for urbanized areas of the State.

''(2) PLAN CONTENTS.—The plans and programs developed under paragraph (1) for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

''(3) DEVELOPMENT PROCESS.—The development process for the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

''(b) SCOPE OF PLANNING PROCESS.—

''(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section and sections 5304 through 5306 shall provide for consideration of—

''(A) supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

''(B) increasing the safety and security of the transportation system for motorized and nonmotorized users;

''(C) increasing the accessibility and mobility options available to people and for freight;

''(D) protecting and enhancing the environment, promoting energy conservation and improved quality of life, and coordinating land-use and transportation plans and programs;

''(E) enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight;

''(F) promoting efficient system management and operation; and

''(G) emphasizing the preservation of the existing transportation system.

''(2) GOALS.—In cooperation with the State and mass transportation operators, and with opportunity for public review and comment, the metropolitan planning organization shall establish goals that relate to the factors described in paragraph (1), and propose projects, programs, and strategies to achieve those goals.'';

(B) in subsection (c)—

(i) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) by agreement between the chief executive officer of the State and units of general purpose local government that together represent not less than 60 percent of the affected population (including the central city, as defined by the Bureau of the Census) and 60 percent of such units of government; or'';

(ii) in paragraph (2)—

(I) by striking ''In a metropolitan area'' and all that follows through ''shall include'' and inserting ''Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area when designated or redesignated under this subsection shall consist of''; and

(II) by striking ''officials of authorities'' and inserting ''officials of public agencies'';

(iii) in paragraph (3), by striking ''in an urbanized area'' and all that follows through ''officer decides'' and inserting ''within an existing metropolitan planning area only if

the chief executive officer of the State and the existing metropolitan organization determine''; and

(iv) in paragraph (5)—

(I) in subparagraph (A)—

(aa) by striking ''75'' and inserting ''60''; and

(bb) by striking ''as defined by the Secretary of Commerce)'' and inserting ''or cities, as defined by the Bureau of the Census) and 60 percent of such units of government''; and

(II) by adding at the end the following:

''(D) Designations of metropolitan planning organizations, whether made under this section or under any other provision of law, shall remain in effect until redesignation under this paragraph.'';

(C) in subsection (d)—

(i) by inserting ''(1)'' before ''To carry out this section'';

(ii) by striking ''Secretary of Commerce'' and inserting ''Bureau of the Census'';

(iii) by inserting ''in existence as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997'' after ''at least the boundaries of the nonattainment area'';

(iv) by inserting '', in the manner described in subsection (c)(5)'' before the period at the end; and

(v) by adding at the end the following:

''(2) In the case of an urbanized area classified as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997—

''(A) the boundaries of the metropolitan planning area shall be established by agreement between the appropriate units of general purpose local government (including the central city) and the chief executive officer of the State; and

''(B) the area shall include at least the urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period, and may include the Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area, as determined by the Bureau of the Census, and any area identified as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).'';

(D) in subsection (e)—

(i) in paragraph (2)—

(I) by inserting ''or compact'' after ''agreement'' the first place that term appears''; and

(II) by striking ''making the agreement effective'' and inserting ''making the agreements and compacts effective''; and

(ii) by adding at the end the following:

''(4) To the maximum extent practicable, each metropolitan planning organization shall coordinate with governmental agencies and nonprofit organizations operating within an existing metropolitan planning area that receive assistance from governmental sources (other than the Department of Transportation) to provide nonemergency transportation services. Such governmental agencies and nonprofit organizations shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services. The purpose of such coordination is to maximize the efficient use of resources and to integrate all such services to ensure accessibility and mobility.''; and

(E) in subsection (f)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''United States and regional functions'' and inserting ''national, regional, and metropolitan transportation functions'';

(II) in subparagraph (B), by striking clause (iii) and inserting the following:

''(iii) recommends any additional financing strategies for needed projects and programs;''; and

(III) by striking subparagraph (C) and inserting the following:

''(C) identify transportation strategies necessary—

''(i) to ensure preservation, including requirements for management, operation, modernization, and rehabilitation, of the existing and future transportation system; and

''(ii) to use existing transportation facilities most efficiently to relieve congestion, to efficiently serve the mobility needs of people and goods, and to enhance access within the metropolitan planning area; and'';

(ii) in paragraph (2), by striking ''as they are related to a 20-year forecast period'' and inserting ''and any State or local goals developed within the cooperative metropolitan planning process as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process. In developing long-range plans, the metropolitan planning organization shall take into account the impact of all transportation projects and development plans that will affect the transportation system in the metropolitan area, without regard to whether such projects are financed with Federal funds'';

(iii) in paragraph (4), by inserting ''freight shippers,'' after ''employees,''; and

(iv) in paragraph (5)(A), by inserting ''published or otherwise'' before ''made readily available''.

(b) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a), in the second sentence, by striking ''the organization'' and inserting ''the metropolitan planning organization, in cooperation with the chief executive officer of the State and any affected mass transportation operator,'';

(2) in subsection (b)(2), by striking subparagraph (C) and inserting the following:

''(C) identifies innovative financing techniques to finance projects, programs, and strategies.''; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''and the designated recipient under this chapter'' after ''metropolitan planning organization''; and

(B) by adding at the end the following:

''(3) 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 the project is relevant to conformity with the Clean Air Act (42 U.S.C. 7401 et seq.).

''(4) A transportation improvement program and the annual selection of projects involving Government participation shall be published or otherwise made readily available for public review, identifying federally funded projects, and the estimated costs and locations of those projects.

''(5) Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.''.

(c) TRANSPORTATION MANAGEMENT AREAS.—Section 5305 of title 49, United States Code, is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) any other area, if requested by the chief executive officer and the metropolitan planning organization designated for the area.'';

(2) in subsection (b), by inserting ''affected'' before ''mass transportation operators'';

(3) in subsection (c), by striking ''The Secretary'' and all that follows through the final period;

(4) in subsection (d)(1)(A)—

(A) by inserting ''and any affected mass transportation operator'' after ''the State''; and

(B) by striking ''or under the Bridge and Interstate Maintenance programs'';

(5) in subsection (d)(1)(B), by striking ''or under the Bridge and Interstate Maintenance programs''; and

(6) in subsection (e), by striking paragraph (2) and inserting the following:

''(2)(A) If a metropolitan planning process is not certified or is certified conditionally, the Secretary may withhold not more than 20 percent of the apportioned funds attributable to the transportation management area under this chapter and title 23, or may establish such other conditions as the Secretary determines to be appropriate.

''(B) Any apportionments withheld under subparagraph (A) shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.''.

(d) STATEWIDE PLANNING.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5305 the following:

''§ 5305a. Statewide planning

''(a) DEVELOPMENT REQUIREMENTS.—

''(1) IN GENERAL.—To carry out sections 5303 through 5305 of this chapter and section 134 of title 23, each State shall develop transportation plans and programs for all areas of the State, which shall provide for the development and integrated management and operation of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the intermodal transportation system of the United States.

''(2) SPECIFIC REQUIREMENTS.—The development of the plans and programs under paragraph (1) shall—

''(A) provide for consideration of all modes of transportation; and

''(B) be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

''(b) SCOPE OF PLANNING PROCESS.—

''(1) IN GENERAL.—Each State shall carry out a transportation planning process under this section, which shall provide for consideration of—

''(A) supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

''(B) increasing the safety and security of the transportation system for motorized and nonmotorized users;

''(C) increasing the accessibility and mobility options available to people and for freight;

''(D) protecting and enhancing the environment, promoting energy conservation and improved quality of life, and coordinating land-use and transportation plans and programs;

''(E) enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight;

''(F) promoting efficient system management and operation; and

''(G) emphasizing the preservation of the existing transportation system.

''(2) GOALS.—In cooperation with the metropolitan planning organization and mass

transportation operators, and with opportunity for public review and comment, the State shall establish goals that relate to the factors described in paragraph (1), and propose projects, programs, and strategies to achieve those goals.

''(c) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—In carrying out the planning under this section, a State shall—

''(A) coordinate the planning with the transportation planning activities carried out under sections 5303 through 5305 of this chapter and section 134 of title 23, for metropolitan areas of the State;

''(B) carry out the responsibilities of the State for the development of the transportation portion of the State air quality implementation plan, to the extent required by the Clean Air Act (42 U.S.C. 7401 et seq.); and

''(C) to the maximum extent practicable, coordinate with all other governmental agencies and nonprofit organizations operating within the State planning area that receive assistance from governmental sources (other than the Department of Transportation) to provide nonemergency transportation services.

''(2) PARTICIPATION.—The governmental agencies and nonprofit organizations described in paragraph (1)(C) shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services.

''(3) PURPOSE OF COORDINATION.—The purpose of coordination under this subsection is to maximize the efficient use of resources and to integrate all such services to ensure accessibility and mobility.

''(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

''(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

''(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

''(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.

''(e) LONG-RANGE TRANSPORTATION PLAN.—

''(1) IN GENERAL.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

''(2) COOPERATION.—With respect to each metropolitan area in the State, the long-range transportation plan referred to in paragraph (1) shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303 and section 134 of title 23. With respect to each nonmetropolitan area, the long-range transportation plan shall be developed in consultation with local elected officials representing units of general purpose local government. With respect to each area of the State under the jurisdiction of an Indian tribal government, the long-range transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

''(3) OPPORTUNITY FOR COMMENT.—In developing the long-range transportation plan under this subsection, the State shall provide citizens, affected public agencies, representatives of transportation authority employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan.

''(4) TRANSPORTATION STRATEGIES.—The long-range transportation plan developed under this subsection shall identify transportation strategies necessary to efficiently serve the mobility needs of individuals.

''(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

''(1) IN GENERAL.—The State shall develop a transportation improvement program for all areas of the State.

''(2) COOPERATION.—With respect to each metropolitan area in the State, the transportation improvement program under this subsection shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303 and section 134 of title 23. With respect to each nonmetropolitan area, the program shall be developed in consultation with local elected officials representing units of general purpose local government. With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

''(3) OPPORTUNITY FOR COMMENT.—In developing the transportation improvement program under this subsection, the State shall provide citizens, affected public agencies, representatives of transportation authority 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.

''(4) REQUIRED INFORMATION.—A transportation improvement program developed for a State under this subsection shall include federally supported surface transportation expenditures within the boundaries of the State. Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.

''(5) SPECIFIC REQUIREMENTS.—Each project shall—

''(A) be consistent with the long-range transportation plan developed under this section for the State;

''(B) be identical to the project described in an approved metropolitan transportation improvement program; and

''(C) be in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

''(6) PROJECTS.—The transportation improvement program developed under this subsection 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.

''(7) PRIORITIES.—The transportation improvement program developed under this subsection shall reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this chapter.

''(8) SMALL AREAS.—Projects carried out in areas with populations of less than 50,000—

''(A) excluding projects carried out on the National Highway System, shall be selected from the approved statewide transportation improvement program by the State in cooperation with the affected local officials; and

''(B) on the National Highway System, shall be selected from the approved statewide transportation improvement program by the State, in consultation with the affected local officials.

''(9) REVIEW.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section and section 5303, approved not less frequently than biennially by the Secretary. Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project of higher priority in the program, except where the project is relevant to conformity with the Clean Air Act (42 U.S.C. 7401 et seq.).

''(g) AVAILABLE FUNDS.—Amounts set aside under section 5313(b) of this chapter and section 505 of title 23 shall be available to carry out this section.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5305 the following:

''5305a. Statewide planning.''.

SEC. ___05. METROPOLITAN PLANNING ORGANIZATIONS.

Section 5303(c)(2) of title 49, United States Code, is amended by striking ''and appropriate State officials'' and inserting ''appropriate State officials, and a representative of the users of public transit''.

SEC. ___06. FARE BOX REVENUES.

(a) BLOCK GRANTS.—Section 5307(e) of title 49, United States Code, is amended—

(1) in the first sentence, by striking ''A grant of'' and inserting the following:

''(1) IN GENERAL.—A grant of'';

(2) in the fourth sentence, by striking ''or revenues from'' and all that follows through ''1985)'';

(3) in the last sentence, by inserting ''proceeds from a local issuance of debt,'' after ''cash fund or reserve,''; and

(4) by adding at the end the following:

''(2) MAINTENANCE OF EFFORT.—The credit given for the use of proceeds from a local issuance of debt in meeting the non-federal share under paragraph (1) shall not reduce or replace State monies required to match Federal funds for any program pursuant to this chapter. In receiving a credit for non-federal capital expenditures under this section, 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.''.

(b) DISCRETIONARY GRANTS AND LOANS.—Section 5309(h) of title 49, United States Code, is amended in the fourth sentence, by inserting ''proceeds from a local issuance of debt,'' after ''cash fund or reserve.''.

SEC. ___07. CLEAN FUELS FORMULA GRANT PROGRAM.

(a) IN GENERAL.—Section 5308 of title 49, United States Code, is amended to read as follows:

''§ 5308. Clean fuels formula grant program

''(a) DEFINITIONS.—In this section—

''(1) the term 'designated recipient' has the same meaning as in section 5307(a);

''(2) the term 'eligible project'—

''(A) means a project for the—

''(i) purchase or lease of clean fuel vehicles or hybrid transit vehicles, including clean fuel vehicles that employ a lightweight composite primary structure;

''(ii) construction or leasing of clean fuel vehicle fueling or electrical recharging facilities and related equipment;

''(iii) improvement of existing transit facilities to accommodate clean fuel vehicles; or

''(iv) incremental costs of biodiesel fuel; and

''(B) in the discretion of the Secretary, may include projects relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology vehicles that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies; and

''(3) the term 'Secretary' means the Secretary of Transportation.

''(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to designated recipients to finance eligible projects.

''(c) APPLICATION.—Not later than January 1 of each year, any designated recipient seeking to apply for a grant under this section for an eligible project shall submit an application to the Secretary, in such form and in accordance with such requirements as the Secretary shall establish by regulation.

''(d) APPORTIONMENT OF FUNDS.—

''(1) FORMULA.—Not later than February 1 of each year, the Secretary shall apportion amounts made available under this section to designated recipients submitting applications under subsection (c) in accordance with the following:

''(A) Two-thirds of the amount made available under this section shall be apportioned to designated recipients with eligible projects in urban areas with a population of not less than 1,000,000 as follows:

''(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

''(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

''(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of not less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2).

''(ii) 50 percent of the amount made available under this section shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

''(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

''(II) the total number of bus passenger miles of all eligible projects in areas with a population of not less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

''(B) One-third of the amount made available under this section shall be apportioned to designated recipients with eligible projects in urban areas with a population of less than 1,000,000 as follows:

''(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

''(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

''(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2).

''(ii) 50 percent of the amount made available under this section shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

''(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

''(II) the total number of bus passenger miles of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

''(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

''(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B) of this paragraph, the number of clean fuel vehicles in the fleet, or the number of passenger miles, shall be multiplied by a factor of—

''(i) 1.0 if, at the time of the apportionment, the area is a maintenance area (as that term is defined in section 101 of title 23) for ozone or carbon monoxide;

''(ii) 1.1 if, at the time of the apportionment, the area is classified as—

''(I) 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.); or

''(II) a marginal carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

''(iii) 1.2 if, at the time of the apportionment, the area is classified as—

''(I) a moderate ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

''(II) a moderate carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

''(iv) 1.3 if, at the time of the apportionment, the area is classified as—

''(I) a serious ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

''(II) a serious carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

''(v) 1.4 if, at the time of the apportionment, the area is classified as—

''(I) a severe ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

''(II) a severe carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.); or

''(vi) 1.5 if, at the time of the apportionment, the area is classified as—

''(I) an extreme ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

''(II) an extreme carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.).

''(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area (as that term is defined in section 101 of title 23) for ozone under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.), 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 for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the eligible project, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

''(3) MAXIMUM GRANT AMOUNT.—

''(A) IN GENERAL.—The amount of a grant made to a designated recipient under this section shall not exceed the lesser of—

''(i) for an eligible project in an area—

''(I) with a population of less than 1,000,000, $15,000,000; and

''(II) with a population of not less than 1,000,000, $25,000,000; or

''(ii) 80 percent of the total cost of the eligible project.

''(B) REAPPORTIONMENT.—Any amounts that would otherwise be apportioned to a designated recipient under this subsection that exceed the amount described in subparagraph (A) shall be reapportioned among other designated recipients in accordance with paragraph (1).

''(e) AUTHORIZATION.—

''(1) IN GENERAL.—Subject to paragraph (2), in each fiscal year, $200,000,000 shall be made available or appropriated under subsections (a) and (b) of section 5338 to carry out this section.

''(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this section, not less than 5 percent of the amount apportioned under this section in each fiscal year shall be apportioned to fund any eligible projects, for which an application is received from a designated recipient in accordance with subsection (a), for—

''(A) the purchase or construction of hybrid electric or battery-powered buses; or

''(B) facilities specifically designed to service those buses.

''(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

''(1) shall remain available for 1 year after the fiscal year for which the amount is made available or appropriated; and

''(2) that remains unobligated at the end of the period described in paragraph (1), shall be added to the amount made available in the following fiscal year.''.

(b) DEFINITION OF CLEAN FUEL VEHICLE.—Section 5302(a) of title 49, United States Code, is amended—

(1) in each of paragraphs (2) through (12), by striking the period at the end and inserting a semicolon;

(2) in paragraph (13), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(14) 'clean fuel vehicle' means a vehicle powered by compressed natural gas, liquefied natural gas, biodiesel fuels, batteries, alcohol-based fuels, or hybrid electric, fuel cell, or other zero emissions technology.''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5308 and inserting the following:

''5308. Clean fuels formula grant program.''.

SEC. ___08. CAPITAL INVESTMENT GRANTS AND LOANS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended in the section heading, by striking ''**Discretionary**'' and inserting ''**Capital investment**''.

(b) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by striking ''Of the amounts available for grants and loans under this section for each of the fiscal years ending September 30, 1993–1997'' and inserting ''After apportioning amounts for the purposes of section 5308, of the amounts available for grants and loans under this section for each of fiscal years 1993 through 2003''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended in the item relating to section 5309, by striking ''Discretionary'' and inserting ''Capital investment''.

SEC. ___09. TRANSIT SUPPORTIVE LAND USE.

Section 5309(e)(3)(B) of title 49, United States Code, is amended by inserting '', and

recognize reductions in local infrastructure costs achieved through compact land use development'' before the semicolon.

SEC. ___10. NEW STARTS.

Section 5309(m) of title 49, United States Code, is amended by adding at the end the following:

''(5) Not more than 8 percent of the amount made available under paragraph (1)(B) in any fiscal year shall be available for activities other than final design and construction.''.

SEC. ___11. JOINT PARTNERSHIP FOR DEPLOYMENT OF INNOVATION.

Section 5312 of title 49, United States Code, is amended by adding at the end the following:

''(d) JOINT PARTNERSHIP PROGRAM FOR DEPLOYMENT OF INNOVATION.—

''(1) DEFINITION OF CONSORTIUM.—In this subsection, the term 'consortium'—

''(A) means—

''(i) 1 or more public or private organizations located in the United States, that provides mass transportation service to the public; and

''(ii) 1 or more businesses, including small- and medium-sized businesses, incorporated in a State, offering goods or services or willing to offer goods and services to mass transportation operators; and

''(B) may include, as additional members, public or private research organizations located in the United States, or State or local governmental authorities.

''(2) GENERAL AUTHORITY.—The Secretary may, under terms and conditions that the Secretary prescribes, enter into grants, contracts, cooperative agreements, and other agreements with consortia selected in accordance with paragraph (4), to promote the early deployment of innovation in mass transportation technology, services, management, or operational practices. This paragraph shall be carried out in consultation with the transit industry by competitively selected public/private partnerships that will share costs, risks, and rewards of early deployment of innovation with broad applicability.

''(3) CONSORTIUM CONTRIBUTION.—A consortium assisted under this subsection shall provide not less than 50 percent of the costs of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to a joint partnership project.

''(4) NOTICE REQUIREMENT.—The Secretary shall periodically give public notice of the technical areas for which joint partnerships are solicited, required qualifications of consortia desiring to participate, the method of selection and evaluation criteria to be used in selecting participating consortia and projects, and the process by which innovation projects described in paragraph (1) will be awarded.

''(5) USE OF REVENUES.—The Secretary shall, to the maximum extent practicable, accept a portion of the revenues resulting from sales of an innovation project funded under this section, to be credited to the Mass Transit Account of the Highway Trust Fund and used for joint partnership projects in accordance with this subsection.''.

SEC. ___12. WORKPLACE SAFETY.

Section 5315(a) of title 49, United States Code, is amended—

(1) in paragraph (13), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(15) workplace safety.''.

SEC. ___13. UNIVERSITY TRANSPORTATION CENTERS.

(a) IN GENERAL.—Subchapter IV of chapter 52 of title 49, United States Code (as added by section 2003(a) of this Act), is repealed effective 1 day after the date of enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Section 2003(b) of this Act, and the amendments made by that section, are repealed effective 1 day after the date of enactment of this Act.

(2) APPLICABILITY.—Effective 1 day after the date of enactment of this Act, sections 5316 and 5317 of title 49, United States Code, and the items relating to sections 5316 and 5317 in the analysis for chapter 53 of title 49, United States Code, shall be applied and administered as if section 2003(b) of this Act had not been enacted.

SEC. ___14. JOB ACCESS GRANTS.

(a) FINDINGS.—Congress finds that—

(1) two-thirds of all new jobs are in the suburbs, whereas three-quarters of welfare recipients live in rural areas or central cities;

(2) even in metropolitan areas with excellent public transit systems, less than half of the jobs are accessible by transit;

(3) in 1991, the median price of a new car was equivalent to 25 weeks of salary for the average worker, and considerably more for the low-income worker;

(4) not fewer than 9,000,000 households and 10,000,000 Americans of driving age, most of whom are low-income workers, do not own cars;

(5) 94 percent of welfare recipients do not own cars;

(6) nearly 40 percent of workers with annual incomes below $10,000 do not commute by car;

(7) many of the 2,000,000 Americans who will have their Temporary Assistance to Needy Families grants (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) terminated by the year 2002 will be unable to get to jobs they could otherwise hold; and

(8) increasing the transit options for low-income workers, especially those who are receiving or who have recently received welfare benefits, will increase the likelihood of those workers getting and keeping jobs.

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5320 the following:

''§ 5320a. Access to jobs

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term 'eligible low-income individual' means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

''(2) ELIGIBLE PROJECT.—The term 'eligible project' means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

''(A) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

''(B) promoting the use of transit by workers with nontraditional work schedules;

''(C) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

''(D) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26.

''(3) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term 'existing transportation service providers' means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from Federal, State, or local sources for nonemergency transportation services.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(5) QUALIFIED ENTITY.—The term 'qualified entity' means—

''(A) with respect to any proposed eligible project in an urbanized area with a population of not less than 200,000, the entity or entities selected by the appropriate metropolitan planning organization, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations; and

''(B) with respect to any proposed eligible project in an urbanized area with a population of less than 200,000, or an area other than an urbanized area, the entity or entities selected by the chief executive officer of the State in which the area is located, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations.

''(6) WELFARE RECIPIENT.—The term 'welfare recipient' means an individual who receives or received aid or assistance under a State program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2110)) at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

''(b) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Secretary may make grants under this section to assist qualified entities in financing eligible projects.

''(2) COORDINATION.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

''(c) APPLICATIONS.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish by regulation.

''(d) PROHIBITION.—Grants awarded under this section may not be used for planning or coordination activities.

''(e) FACTORS FOR CONSIDERATION.—In awarding grants under this section to applicants under subsection (c), the Secretary shall consider—

''(1) the percentage of the population in the area to be served by the applicant that are welfare recipients;

''(2) the need for additional services in the area to be served by the applicant to transport welfare recipients and eligible low-income individuals to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs;

''(3) the extent to which the applicant demonstrates coordination with, and the financial commitment of, existing transportation service providers;

''(4) the extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands transit networks or hours of service, or both;

''(5) the extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs;

''(6) the extent to which the applicant—

''(A) presents a regional transportation plan for addressing the transportation needs

of welfare recipients and eligible low-income individuals; and

''(B) identifies long-term financing strategies to support the services under this section; and

''(7) the extent to which the applicant demonstrates that the community to be served has been consulted in the planning process.

''(f) FEDERAL SHARE OF COSTS.—

''(1) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

''(2) NONGOVERNMENTAL SHARE.—The portion of the total cost of an eligible project that is not funded under this section—

''(A) shall be provided in cash from sources other than revenues from providing mass transportation; and

''(B) may be derived from amounts made available to a department or agency of the Federal Government (other than the Department of Transportation) that are eligible to be expended for transportation.

''(g) PLANNING REQUIREMENTS.—

''(1) IN GENERAL.—The requirements of sections 5303 through 5306 apply to any grant made under this section.

''(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients, and the eligible projects financed must be part of a coordinated public transit-human services transportation planning process.

''(h) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

''(1) all of the terms and conditions to which a grant made under section 5307 is subject; and

''(2) such other terms and conditions as determined by the Secretary.

''(i) PROGRAM EVALUATION.—

''(1) COMPTROLLER GENERAL.—Beginning 6 months after the date of enactment of this section, and every 6 months thereafter, the Comptroller General of the United States shall—

''(A) conduct a study to evaluate the grant program authorized under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of each study under subparagraph (A).

''(2) DEPARTMENT OF TRANSPORTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall—

''(A) conduct a study to evaluate the access to jobs grant program authorized under this section; and

''(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

''(j) FUNDING; ALLOCATION.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 1998 through 2003. Such amounts shall remain available until expended.

''(2) ALLOCATION.—The amount made available to carry out this section in each fiscal year shall be allocated as follows:

''(A) 60 percent shall be allocated for eligible projects in urbanized areas with populations of not less than 200,000.

''(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of less than 200,000.

''(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5320 the following:

''5320a. Access to jobs.''.

SEC. ___15. GRANT REQUIREMENTS.

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

''(m) GRANT REQUIREMENTS.—The grant requirements under sections 5307 and 5309 apply to any project under this chapter that receives any assistance from an infrastructure bank or through other financing under subtitle C of title I of the Intermodal Surface Transportation Efficiency Act of 1997.''.

SEC. ___16. HHS AND PUBLIC TRANSIT SERVICE.

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

''(n) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—To the extent feasible, governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services—

''(1) shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

''(2) shall be included in the planning for those services.''.

SEC. ___17. PROCEEDS FROM THE SALE OF TRANSIT ASSETS.

Section 5334(g) of title 49, United States Code, is amended by adding at the end the following:

''(4) Notwithstanding any other provision of law, if a recipient of assistance under this chapter determines that an asset (including real property) acquired with such assistance is no longer needed for the purpose for which it was acquired, the recipient may sell that asset with no further obligation to the Government, if the proceeds of the sale are used for the provision of mass transportation services in accordance with this chapter.''.

SEC. ___18. OPERATING ASSISTANCE FOR SMALL TRANSIT AUTHORITIES IN LARGE URBANIZED AREAS.

Section 5336(d) of title 49, United States Code, is amended by adding at the end the following:

''(3) In distributing operating assistance under this subsection to urbanized areas with a population of 1,000,000 or more under the most recent census, the Secretary shall direct each such area to give priority consideration to the impact of reductions on operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities.''.

SEC. ___19. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) DISTRIBUTION.—Section 5337(a) of title 49, United States Code, is amended to read as follows:

''(a) DISTRIBUTION.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 as follows:

''(1) The first $497,700,000 shall be apportioned in the following urbanized areas as follows:

''(A) Baltimore, $8,372,000.

''(B) Boston, $38,948,000.

''(C) Chicago/Northwestern Indiana, $78,169,000.

''(D) Cleveland, $9,509,500.

''(E) New Orleans, $1,730,588.

''(F) New York, $176,034,461.

''(G) Northeastern New Jersey, $50,604,653.

''(H) Philadelphia/Southern New Jersey, $58,924,764.

''(I) Pittsburgh, $13,662,463.

''(J) San Francisco, $33,989,571.

''(K) Southwestern Connecticut, $27,755,000.

''(2) The next $70,000,000 shall be apportioned as follows:

''(A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A).

''(B) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

''(A) Pittsburgh, 61.76 percent.

''(B) Cleveland, 10.73 percent.

''(C) New Orleans, 5.79 percent.

''(D) 21.72 percent in urbanized areas to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(5) The next $140,000,000 shall be apportioned as follows:

''(A) 65 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(B) 35 percent to other urbanized areas eligible for assistance under section 5336(b)(2)(A), if the areas contain fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available, and in any urbanized area if, before the first day of that fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(6) The next $100,000,000 shall be apportioned as follows:

''(A) 60 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(7) Remaining amounts shall be apportioned as follows:

''(A) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

''(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.''.

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337 of title 49, United States Code, is amended by adding at the end the following:

''(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—

''(1) Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.

''(2) Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue

miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available.''.

SEC. ___20. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine whether the formula for apportioning funds to urbanized areas under section 5336 of title 49, United States Code accurately reflects the transit needs of the urbanized areas and, if not, whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

(b) REPORT.—Not later than December 31, 1999, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted under this section, together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.

ALLARD (AND GRAMS) AMENDMENT NO. 1932

(Ordered to lie on the table.)

Mr. ALLARD (for himself and Mr. GRAMS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page ___, strike lines ___ through ___, and insert the following:

''(5) Remaining amounts shall be apportioned in urbanized areas eligible for assistance under section 5336(b)(2)(A) that are not described in paragraph (1) of this subsection, if the areas contain fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available, and in any urbanized area if, before the first day of that fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.''.

At the appropriate place, insert the following:

SEC. ___. ALLOCATION OF CAPITAL INVESTMENT GRANTS AND LOANS FOR NEW STARTS.

Section 5309(m)(1)(B) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: '', of which any amount in excess of $760,000,000 is available exclusively for projects for new fixed guideway systems, and extensions to existing fixed guideway systems placed in revenue service not more than 15 years before the fiscal year for which amounts are made available''.

CONCURRENT RESOLUTION ON SADDAM HUSSEIN

SPECTER (AND DORGAN) AMENDMENT NOS. 1933–1934

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. DORGAN) submitted two amendments intended to be proposed by them to the concurrent resolution (S. Con. Res. 78) relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity; as follows:

AMENDMENT NO. 1933

Strike all after the resolving clause and insert the following:

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(3) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

AMENDMENT NO. 1934

Strike out the preamble and insert the following:

Whereas the International Military Tribunal at Nurenberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which stated that ''crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced'' is as valid today as it was in 1946;

Whereas, on August 2, 1990, without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to ''refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state'';

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing ''grave breaches'' are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international humanitarian law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored ''the loss of innocent life stemming from the Iraqi invasion of Kuwait'';

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further ''the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait'';

Whereas, in Resolution 674, adopted by the United Nations Security Council on October 29, 1990, the Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of over 700 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found ''compelling evidence'' that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 150,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas paragraph 8 of Resolution 687 of the United Nations Security Council, adopted on April 8, 1991, requires Iraq to ''unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the