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House of Representatives

The House met at 9 a.m.

Dr. Carl Holladay, Candler School of Theology, Emory University, Atlanta, Georgia, offered the following prayer:

Let us pray. Gracious God, we confess You as the one who inspired our beginnings as a people in quest of freedom and who sustained these hopes in times of threat and despair. In deep gratitude today, we remember this Nation's brave men and women, who died for the cause of freedom.

Bless this House as it deliberates today. Give those gathered here a special measure of Your wisdom. Let them do their work driven by a desire to serve the common good. Let them hear the plaintive cries of those longing to be heard. Let them know the hopes of those who live with noble dreams unfulfilled. Let them remember the prayers of those who long to be free.

We pray for peace and justice, knowing how the demands of justice compete with cries for mercy, yet willing to make ourselves instruments of Your peace in this world. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. MASCARA) come forward and lead the House in the Pledge of Allegiance.

Mr. MASCARA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 171. Concurrent resolution declaring the city of Roanoke, Virginia, to be the official site of the National Emergency Medical Services Memorial Services.

The message also announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 73. Concurrent resolution expressing the sense of Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous materials in that section of the RECORD entitled Extensions of Remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members for eight 1-minute speeches on each side.

WORKING U.S. CITIZENS SUFFER FROM DEMORALIZING AND CRUSHING TAX BURDEN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, incredible as it may sound, for the first 132 working days of this year, every penny earned by the hard-working men and women of Nevada did not go to pay for their kids' education, did not go to pay for their home mortgage, did not go to pay their medical insurance or expenses. Instead, it all went to this expanding government bureaucracy.

Fully one-third of the year's effort of these hard-working Americans has been spent just to pick up the tab for the bloated government bureaucracy. Decades of unchecked growth and deficit spending by the liberal tax and spenders has left the hard-working men and women of this country with this demoralizing and crushing tax burden.

The vast majority of Americans do not object to paying their fair share of taxes, but they do object to the suffocating level of taxation that exists under this administration.

Arthur Godfrey put it best when he said, ''I'm proud to be paying taxes in the United States. The only thing is, I could be just as proud for half the money.''

Mr. Speaker, I urge all of my colleagues to support the Republican proposal to eliminate the marriage tax penalty. Let us allow hard-working families to keep more, not less, of their money.

RECOGNITION OF AFRICAN LIBERATION DAY

(Ms. CHRISTIAN-GREEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to join my fellow Virgin Islanders in recognition of African Liberation Day, which will be celebrated on Monday, May 25, a day created in 1963 as a rallying point for freedom and

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to mark the progress of the liberation struggles in Africa.

For my constituents and I, this year's celebration is especially significant because it occurs as we celebrate the 150th anniversary of emancipation from slavery.

For Africans on the continent and in the Diaspora, this year has special significance as we await the enactment of the African trade bill and look forward to the passage of a similar proposal for the Caribbean.

It is my hope that as we come together, not only in the Virgin Islands but around the world, to reaffirm our oneness, we can move closer to our full economic liberation with the creation of a new and unique trade area which will link all of Africa's children, those on the continent as well as those in the United States and the Caribbean.

REQUESTING THE PRESIDENT TO PLEASE EXPLAIN TRANSFER OF TECHNOLOGY TO COMMUNIST CHINA

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I would like the President to explain to the American people why authority for approving technology transfers to Communist China was transferred from the State Department to the Commerce Department in this administration.

I would like to know why national security concerns would be overruled by commercial considerations, thus endangering the security of all Americans.

The idea that it is official U.S. policy to improve Communist China's rockets defies explanation. Instead of developing a missile defense system of our own, this administrations is helping to develop Communist China's strategic nuclear missile program, a program with missiles even now aimed at the United States.

This policy is madness, utter madness, and I am still awaiting an explanation from this administration why they determined that assisting Communist China in the development of its ''Long March'' missile is in the national interest of the United States.

Refusing to build a national missile defense because perfecting China's missiles is a higher priority is not only nutty and bizarre, it clearly puts our country at increased risk.

SUPPORT H. CON. RES. 203 TO FUND VETERANS OF FOREIGN WARS STAMP

(Mr. MASCARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MASCARA. Mr. Speaker, I rise to urge my colleagues to support my resolution, H.Con.Res. 203, the resolution requesting the United States Postal Service to issue a commemorative stamp honoring the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States. It honors those men and women who fought, bled and died in every war in which the United States has engaged during this century.

The U.S. Postal Service is issuing many stamps to celebrate this century. Some of these are very worthy events and deserve to be recognized. However, the VFW should be given as much consideration as cartoon characters, Elvis Presley and Marilyn Monroe.

As we leave this century, I believe the Citizens Stamp Advisory Committee should do the right thing; issue a stamp honoring the 100th anniversary of one of the Nation's oldest veterans organizations.

At the present time, I have over 125 cosponsors, a bipartisan effort. I ask other Members to join me in do sponsoring H.Con.Res. 203 to honor the Veterans of Foreign Wars with the issuance of a 100th anniversary commemorative stamp.

TRIBUTE TO ROSCOE ALLEN, JR., OF OCILLA, GEORGIA

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I rise today to honor one of my constituents, Roscoe Allen, Jr., of Ocilla, Georgia. Mr. Allen has been selected by the Small Business Administration as Small Businessperson of the Year for the State of Georgia, and he will represent Georgia in the selection process for the National Small Businessperson of the Year.

In just 2 years, Mr. Allen has made his mark in the competitive snack food industry. He broke into the peanut processing business by putting in long hours, traveling many miles and practicing his straightforward sales pitch to his wife and long-time friend. His company, known as the Roscoe Allen Company, is the first southern, African-American-owned peanuts and mixed nuts processor. His products are sold in grocery stores all across the southeast as well as in Texas.

Mr. Speaker, I commend Mr. Allen's commitment to providing quality products and outstanding service at an economical price and for achieving success in a competitive market in such a short period of time. I congratulate Mr. Allen and wish him all the best at the Small Businessperson award ceremony and commend him for being an outstanding example of a small businessman and to let him know that all of Georgia is very proud of him.

PARENTS, WITH GOD'S HELP, RAISE OUR CHILDREN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, another tragedy in our schools: more expert analysis.

One group said America should heed the advice of the First Lady when she said it takes a community to raise a child. I do not mean to be disrespectful, but I disagree.

Communities do not raise a child; PTAs do not raise a child; schools do not raise a child; day care centers and summer camps do not raise a child. My colleagues, the awesome responsibility of raising a child is still the parents. Parents raise our children.

Maybe if America got back to basics and placed more emphasis on parents instead of communities, our kids would be much better off. If the community wants to help, they might allow God back into our schools. Parents, with the help of God, will be much more effective raising our kids.

RELIGIOUS LIBERTY IN BELGIUM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to express concern over an increase in religious intolerance in the country of Belgium.

In 1997, the Belgian parliament published a Sect Report which branded Evangelical Christians, Pentecostals, Amish, Charismatics, and other Evangelical mission groups as potentially dangerous sects. In addition, the Belgian parliamentary report also targeted Catholic Charismatics.

Former King of Belgium, Baldwyn I, who was known to be close to the Charismatic movement inside the Catholic church, was even attacked on the front page of a daily newspaper.

The Belgian Sect Report was followed by legislation on April 30 this year which established a Sect Observatory.

Mr. Speaker, its highly disturbing that a government which abides by the Helsinki Accords, as well as the European Convention on Human Rights, should violate these agreements by establishing a government network to monitor the religious activity of law-abiding citizens.

Mr. Speaker, the fundamental right of religious liberty must be protected for all people, including those in Western Europe.

□ 0915

BESTEA CONFERENCE REPORT

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, today later on the floor of the House of Representatives, the BESTEA conference report will be up. And Members on both sides are to be commended for the work they have done on this piece of legislation.

But there has been a rumbling on the floor during this last week that somehow Members are being told that they are voting against their veterans in order to get bridges and highways. And that is not the intentions of Members on either side of the House.

To make that clear, I have drafted the full Veterans Benefit Act of 1998. I would like Members to think about cosponsoring this bill. It is not the intentions of Republicans or Democrats to give short shrift to those World War II veterans who fought their way across Europe, who fought their way across the Pacific, or those veterans from Korea who feel they are forgotten or those from Vietnam, Grenada, Panama or Desert Storm.

We stand up for our veterans, and we want to fully fund their benefits. So I ask the Members today to cosponsor the full Veterans Benefit Act of 1998 as we pass this BESTEA bill and send the veterans a message. The U.S. Congress is with them. We think they have earned these benefits. We think they deserve them.

NATIONAL RIGHT TO WORK ACT

(Mr. SNOWBARGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SNOWBARGER. Mr. Speaker, I rise today to voice my wholehearted support for H.R. 59, the National Right to Work Act, and to implore my colleagues to give their support as well.

H.R. 59 simply eliminates those provisions of the National Labor Relations Act and the Railway Labor Act that empower unions bosses to steal the hard-earned money of American workers.

Over 60 years ago, Congress gave union officials the so-called right to force workers to pay union dues whether they want to or not. Union officials have wielded this power far too long. It is time to reintroduce freedom into the American workplace, the freedom to choose whether or not to pay union dues, freedom from compulsory unionism.

H.R. 59 corrects a terrible injustice. The coercion of America's workers to pay union dues is immoral and against the basic values of our country and even of the founders of the labor unions themselves.

Support restoration of freedom for the American worker. Support the repeal of the power to force people to pay dues to a union against their will. Support H.R. 59.

PROPOSITION 226 BALLOT INITIATIVE

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute).

Mr. FAZIO of California. Mr. Speaker, I would like to offer another view on the message from the gentleman who just appeared in the well.

Several weeks ago, Congress overwhelmingly rejected a bid by right-wing foundations and corporate interests that would have tilted the political balance in America. By an overwhelming bipartisan vote, the House defeated a bill that included language similar to the Proposition 226 ballot initiative in California.

Funded by extreme out-of-state interest groups and large corporate donors, this California initiative is part of a national campaign by ultra-conservative groups. Their goal: to weaken the role of working men and women who oppose their right-wing views on issues such as the Patient Protection Act, or HMO reform, increasing the minimum wage, and reforming social security.

This attempt to dilute the political power of union members, sometimes called ''paycheck protection'' but more aptly named ''paycheck deception'', failed in Congress; and it should fail in California as well.

Despite the rhetoric we heard on the floor last night, big business already outspends labor by an 11–1 margin. Prop 226 would likely give big business even greater political advantage. Fellow Californians, vote no on Prop 226 on June 2.

U.S. NATIONAL SECURITY HARMED

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, according to press accounts, the Pentagon issued a classified report in May of 1997 about the Loral-led review commission's unauthorized release to China of its report on Communist China's latest rocket crash.

The report concluded that the United States national security has been harmed. Let me repeat that. The report concluded that the United States national security has been harmed. The White House claims otherwise but offers no explanation, nothing at all.

In February of this year, despite intense opposition from his own Justice Department, President Clinton gave permission to Loral to transfer highly sensitive missile information, particularly with respect to encryption, to the Communist Chinese government. Reportedly, the Chinese could use this information to perfect their missile and rocket programs. This was allowed despite an ongoing criminal investigation of Loral for earlier transfers of missile technology to Communist China.

This leaves many unanswered questions such as, how deeply was U.S. national security harmed? Did the campaign contributions to Loral and the Chinese government affect the decision? And why does the President insist that this decision was in the best interest of the American people?

AGRICULTURAL RESEARCH BILL

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I come and take this 1 minute today to alert my colleagues in the House of Representatives of a rule that we are about to take under consideration concerning the agricultural research bill that is unprecedented.

The Speaker of the House of Representatives, the gentleman from Georgia (Mr. GINGRICH), and his leadership, the gentleman from Texas (Mr. ARMEY), and the gentleman from Texas (Mr. DELAY) are about to do some tremendous damage to production agriculture all over this Nation. Because of the same manner in which they wrote the farm bill in his office, they are now writing a rule that is going, as I said, to do lasting damage to production agriculture.

For the first time in my legislative life, we have the nutrition community and the production agriculture committee agree on additional funding for crop insurance and other agricultural needs and restoring of some food needs and doing it in a budget-responsible way. The rule that we are about to consider undoes it all.

I want to alert my colleagues in the House, immediately after the 1-minutes, I will urge a motion to adjourn until we can discuss this. And, hopefully, the leadership will go back upstairs and rewrite the rule in a fair way to let the conference report be considered by the full House.

CAMPAIGN CONTRIBUTIONS FROM COMMUNIST CHINA TO DNC

(Mr. PAPPAS asked and was given permission to address the House for 1 minute.)

Mr. PAPPAS. Mr. Speaker, I would like to ask a few questions that we will never ever hear asked by most of the folks on the other side of the aisle. I would like the American people to think about these questions and then ask themselves why, why are these questions not even being asked by the liberals in Congress?

Why did Communist China apparently contribute nearly $3 million to the Democratic National Committee during the 1996 election campaign?

Were there any changes in U.S. foreign policy?

What were the results of all this foreign money into the Democrat Party?

Now, consider the last question very carefully. The problem, of course, is that one cannot know whether a change in U.S. foreign policy was made because of these campaign contributions or because a change was made for legitimate policy reasons based on our national interest. These are the concerns that we all should have.

One last question we will never ever hear from the other side. Who in the White House knew about these contributions to the DNC? Maybe the other side does not want to know who knew.

AGRICULTURAL RESEARCH BILL

(Mr. DOOLEY of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Speaker, I rise to make sure all my colleagues fully understand that we are soon to be considering a rule on the agricultural research bill, and I think everyone should understand exactly what is about to happen.

Through the Committee on Agriculture, we were able to fashion an ag research, a crop insurance bill, as well as a food stamp reform bill that had broad bipartisan support. It was a bill that went to conference. It was signed by all the Republican and Democrat conferees. It was a bill that passed the Senate by a vote of 92–8.

Last night, the Committee on Rules has reported a bill that is basically going to unravel this carefully crafted conference report. Anyone who chooses to vote for this rule has to understand what they are doing. They are taking a slap at every farmer in this country, farmers who are struggling to maintain their viability, because this rule will gut the crop insurance fix which is so vital.

They will also be having a slap in the face to our universities who are performing the agricultural research, which is so important to our international competitiveness of the agriculture sector. And they are also slapping in the face all the legal immigrants who have the opportunity to get vital food stamps.

Vote no on this rule.

AGRICULTURAL RESEARCH BILL

(Mr. BECERRA asked and was given permission to address the House for 1 minute.)

Mr. BECERRA. Mr. Speaker, S.1150 will come up, the rule will come up in just a few moments. I would like to echo the remarks of my friends and colleagues, the gentleman from Texas (Mr. STENHOLM) and the gentleman from California (Mr. DOOLEY).

We had a very delicately balanced package that addressed the needs of our farmers in America and addressed the needs of those in America who are hungry. It was a very difficult compromise to make because there is such a need out there in these various communities. Yet, we were able to strike that accord, bipartisan accord, rural and urban American accord.

On the Senate side, 92 votes came out in support of this bill. In conference, it was a unanimously supported conference report. All of a sudden, now we have a rule on this bill here in the House that would destroy that delicate compromise, the balance that was achieved.

Unfortunately, what it does is it guts the funding for the crop insurance aspect of this, for the agricultural research aspect of this, and for the dollars necessary to try to help those who are in need of food. We cannot let this happen.

I would urge a no vote on the rule.

MOTION TO ADJOURN

Mr. STENHOLM. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion to adjourn offered by the gentleman from Texas (Mr. Stenholm).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. STENHOLM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 59, nays 304, not voting 70, as follows:

[Roll No. 187]

YEAS—59

Abercrombie
Allen
Becerra
Berman
Berry
Bishop
Bonior
Boucher
Boyd
Brown (CA)
Brown (OH)
Castle
Clay
Clayton
Condit
Coyne
Cramer
DeGette
Delahunt
DeLauro
Dooley
Edwards
Farr
Fattah
Fazio
Ford
Gejdenson
Gephardt
Hall (OH)
Hastings (FL)
Kennelly
Kingston
Lewis (GA)
Manton
Martinez
McGovern
McIntyre
Millender-McDonald
Mink
Obey
Olver
Ortiz
Pallone
Payne
Pickett
Pomeroy
Roybal-Allard
Sabo
Sawyer
Scott
Sisisky
Slaughter
Stenholm
Tanner
Tauscher
Thurman
Waters
Watt (NC)
Whitfield

NAYS—304

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Brady (TX)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Greenwood
Gutierrez
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (NY)
McCollum
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Packard
Pappas
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spratt
Stabenow
Stearns
Stokes
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
White
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—70

Ackerman
Bateman
Bilirakis
Bono
Brady (PA)
Callahan
Clement
Conyers
Cubin
Davis (IL)
DeFazio
DeLay
Deutsch
Dickey
Dixon
Fawell
Filner
Foley
Furse
Gonzalez
Graham
Green
Gutknecht
Harman
Hefner
Herger
Hinchey
Hunter
Inglis
Jefferson
Johnson, Sam
Kaptur
Manzullo
Markey
McCarthy (MO)
McCrery
McDade
McDermott
Meeks (NY)
Miller (CA)
Mollohan
Morella
Nadler
Owens
Oxley
Parker
Pascrell
Pelosi
Porter
Quinn
Rangel
Reyes
Riggs
Rogan
Sanders
Serrano
Sessions
Skaggs
Souder
Spence
Stark
Strickland
Taylor (NC)
Torres
Towns
Waxman
Weller
Weygand
Wicker
Young (AK)

□ 0957

Messrs. RILEY, CUNNINGHAM, THOMPSON, KLECZKA and RODRIGUEZ, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

Mr. HASTINGS of Florida changed his vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. McCARTHY OF MISSOURI. MR. SPEAKER, ON ROLLCALL NO. 187, I WAS UNAVOIDABLY DETAINED. HAD I BEEN PRESENT, I WOULD HAVE VOTED ''NO.''

AMENDMENT TO RULE ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998 CONFERENCE REPORT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, there is some concern over understanding the rule that we are about to take up. I just want to put the House on notice that at the end of my remarks, or during the debate on the rule, that I will be putting back into the bill an unfunded mandate that was removed. I personally oppose unfunded mandates and I will argue against it, but the House will have an opportunity to vote on it.

So at some point I would be offering a manager's amendment, that at the appropriate time I would offer an amendment to the rule ensuring that the offset for crop insurance and for food stamps for legal aliens is going to be in the bill. There would be a vote on whether or not to take that out.

DISPOSING OF CONFERENCE REPORT ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 446 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 446

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes. All points of order against the conference report (except those arising under clause 3 of rule XXVIII and predicated on provisions in subtitle A of title V) and against its consideration (except those arising under section 425 of the Congressional Budget Act of 1974) are waived. If a point of order against the conference report for failure to comply with clause 3 of rule XXVIII is sustained, the conference report shall be considered as rejected and the pending question shall be, without intervention of any point of order, whether the House shall recede from its amendment and agree to an amendment to the Senate bill consisting of the text of the conference report, modified by striking subtitle A of title V. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from New York (Mr. SOLOMON) is recognized for one hour.

□ 1000

Mr. SOLOMON. Mr. Speaker, for the purposes of the of debate only, I yield 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I might consume. All time yielded is for purposes of debate only.

This rule waives all points of order against the conference report, except for two. First, the rule will allow points of order for violations of the Unfunded Mandate Reform Act. The Congressional Budget Office has already determined that the conference report contains unfunded mandates to the tune of hundreds of millions of dollars; in my own State of New York, in this letter from Governor George Pataki, several hundred million dollars alone which will have to be passed on to local property taxpayers in the State of New York.

Now, before consideration of the conference report, any Member may make a point of order that it contains an unfunded mandate, and at some point in a few minutes I will move to put back in the unfunded mandate that was inadvertently removed from the bill, even though I oppose it and I will raise a point of order to strike out the unfunded mandate that we have just put back in. However, that would require a 20 minute debate and a vote, so that everybody understands they will have that opportunity to vote on whether to proceed with an unfunded mandate. That will be the pay-for for crop insurance and food stamps for legal aliens and other categories.

The second point of order against the conference report permitted by this rule is for the violation of scope of conference rule. This rule prohibits the conferees from adding material in the conference which was not considered in either the House or the Senate, and here we are talking about an $800 million expenditure for food stamps for legal aliens, for refugees, for a group of Indians, for a group of people coming out of Laos and Cambodia, and a number of other people. In this case, the conference report contains several provisions which are beyond the scope of the conference.

Under the rule, the point of order is specifically allowed against the part of the conference report, again, which provides $800 million for food stamps for certain noncitizens, in subtitle A of Title V.

Mr. Speaker, the conference report is available on both sides of the aisle, and if my colleagues want to know what they are voting on as far as the food stamps are concerned, they need to look up subtitle A of Title V, and it is a very brief description of who is qualified in this bill.

If this point of order is sustained by the Chair, technically the conference report falls, and the rule then provides that the pending question will be whether to agree to an amendment consisting of everything that was in the conference report except the money for food stamps for certain noncitizens.

Mr. Speaker, this conference report contains numerous violations of House rules, and these are major issues that were put into this bill after it left both the House and the Senate. There are multiple points of order which would be available to the Members of the House if this agreement were to be brought up under the privileged status which conference reports theoretically enjoy in the House.

Now, Mr. Speaker, this conference report was filed on April 27 and it has languished on this calendar since. It was presented to the Committee on Rules yesterday, and the managers on the part of the House requested a rule waiving all points of order against the conference report and against its consideration.

Among the many points of order which could be made against this conference report are as follows:

Clause 3 of rule 28, prohibiting matters which extend beyond the scope of the conference.

Clause 4 of rule 28, prohibiting nongermane Senate material, an example of which is section 226(f), the redistribution of funds under the matching funds requirement for research and extension activities at 1890 institutions.

Clause 2 of rule 20, so we can see how complicated this is, which prohibits consideration of Senate amendments which would violate clause 2 of Rule XXI, which in turn prohibits appropriations on an authorizing measure, which includes many, many, many, many, many provisions. So we are breaking the rules of our House by going ahead today with this.

Now, some of these are: Section 252, which is the Fund for Rural America; Title IV, miscellaneous fees; various nutrition programs in the bill; and the National Organic Certification Fees, and it goes on and on and on. I am just trying to point out to my colleagues, all of these things were added to this bill after it left both houses, so none of us have any idea of what is in this bill, including me.

Section 303 of the Congressional Budget Act, which prohibits consideration of legislation creating new budgetary authority in a fiscal year before passage of the budget resolution. That is in here. This new budget authority is largely contained in the food stamps title.

The conference report also contains legislative provisions in the jurisdiction of other House committees, including the Committee on Resources and the Committee on Appropriations, and the Committee on Appropriations

should be very concerned about what is happening here, because the Members that serve on standing committees always raise a ruckus when the Committee on Appropriations tries to legislate in their appropriation bill, taking away the jurisdiction in the standing committees. This is just the opposite. Here we have one authorizing committee taking away the jurisdiction of the appropriations committees.

Finally, the unfunded mandates that I described earlier. Mr. Speaker, from among this panoply of options, the Committee on Rules chose two particularly egregious violations of House rules and we crafted the rule accordingly, trying to follow the Rules of the House.

The rule therefore, and this is what we ought to listen to because it gets complicated, the rule, therefore allows Members to make an unfunded mandate point of order, which if I am allowed to put it back in by unanimous consent, I will make myself, because I unalterably oppose unfunded mandates on State and local governments under any circumstances. And then we would have a dedicated period of debate on my motion to raise the point of order against the unfunded mandate. We would have a period of debate, 20 minutes, and a vote on whether to consider the conference report with that unfunded mandate in it.

That is fair. Everybody gets a clean shot. If we want to go ahead with it, we vote ''yes''. If we want to kill the bill then, we vote ''no''. That is normal, regular rules of order.

The rule then allows any Member to make a point of order under the scope rule, clause 3 of rule 28, against subtitle A, title V of the conference report, which I have just outlined to my colleagues, which contains both the unfunded mandate and the provision expanding food stamps to legal aliens.

This rule gives the House the opportunity to take out of the conference report the food stamp provisions, which many of us object to, which never should have been in the conference report in the first place. Again, they were not in the House bill, they were not in the Senate bill. And the unfunded mandate saddles States and local governments, every one of our States, it saddles the States and local governments, local governments which raise their revenues to pay for these unfunded mandates out of property taxes. In other words, if we leave this mandate in, we are mandating an increase on property taxes on every one of our constituents throughout America that own a home.

The bill, when it passed the House, was designed primarily to help the Committee on Agriculture and it should have stayed that way, and if it did, we would be sailing through here with about a 15 minute debate on the rule and a 10 minute debate on the bill and it would have been settled. That is the way it was when it left the House and the Senate and that is the way it should be today.

When it came back from conference it was loaded up with these mandatory programs which rolled back the landmark welfare reform package this Congress passed in 1996, and that is exactly what we are doing here today. If we vote ''yes'' on this bill with the food stamps in there and these other provisions, saddling unfunded mandates on local governments and States, then we are just refuting everything that we did two years ago that was overwhelmingly accepted by the American people. Eighty-four percent of the American people think we did the right thing back then, and they are going to think we are doing the wrong thing here today.

This rule gives the House a way to preserve the parts of the bill dealing with agriculture, while still taking out some of the most egregious add-ons.

Now, that is what is before us today. Mr. Speaker, again, at the appropriate time, as soon as the parliamentarians have had time to review my unanimous consent request, I will offer an amendment to the rule to ensure that the offsets for crop insurance and food stamps for legal aliens are back in the bill.

Mr. Speaker, in the case of the offset for both of these programs, crop insurance and food stamps for legal aliens, it is the unfunded mandate that we are talking about. That provision is a reduction in administrative costs which passes Federal costs off to the States, and therefore a vote for the amendment is a vote to send crop insurance and agriculture research to the Senate without food stamps for legal aliens, and we are assured that that will pass the Senate today and be sent on to the President.

So I hope that is clear to my colleagues. If it is not, I would be glad to entertain any questions as we proceed in this friendly debate.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the Chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON) for yielding me the time.

As my colleague has described, this is a rule for consideration of the conference report on Senate 1150, which is the Agriculture Research Extension and Education Act of 1998. It waives all points of order except the rules pertaining to unfunded mandates and the scope of the conference. I am strongly opposed to the rule and I ask for its defeat.

Behind all of the parliamentary language in this rule, this measure eliminates food stamps for 250,000 children, elderly people, disabled people, and people who came to this country to flee political or religious persecution who are legal immigrants. Yes, legal immigrants who are in this country with the approval of our government.

This is a shameful and malicious rule. The conference report includes provisions that improve agriculture research, fund and reform the Federal crop insurance program, and extend rural development assistance. It also restores food stamps to about one-fourth of the refugees and legal immigrants who were made ineligible under the 1996 welfare bill.

The bill's provision on food stamps for legal immigrants do not undermine or conflict with welfare reform. The provisions are modeled on last year's Balanced Budget Act which restored eligibility for SSI and Medicaid to limited categories of needy legal immigrants.

□ 1015

We are talking about restoring food stamps to only the most vulnerable groups of legal immigrants. This includes children the elderly and the disabled. None of these groups are able-bodied, working-age people who would normally be expected to support themselves. Furthermore, eligibility is limited to those special categories of people who entered the country prior to the August 22nd, 1996, enactment of the welfare reform bill.

We are talking about only 250,000 of the neediest legal immigrants. This bill has enormous support in Congress and throughout the Nation. The Senate passed a conference report by an overwhelming vote of 92 to 8. It is supported by numerous agricultural, commodity, nutrition, immigrant, and religious operations.

Testifying before the Committee on Rules last evening, the chairman of the Committee on Agriculture, the gentleman from Oregon (Mr. BOB SMITH), asked for a rule to protect the food stamp provision. He called the conference report a carefully crafted balance of interests. The ranking minority member of the Committee on Agriculture, the gentleman from Texas (Mr. CHARLIE STENHOLM), also asked for a rule supporting the food stamp provision. He called it a very good bill.

Members of the Committee on Rules of both parties spoke out in favor of extending food stamp eligibility to children, the disabled, and the elderly who are legal immigrants. The gentleman from Massachusetts (Mr. MOAKLEY) offered an amendment to the rule which would have saved the food stamp provision. That motion failed on a narrow 5 to 6 vote.

Yes, there is enormous support for this bill, except for six members of the Committee on Rules, who do not want to see legal immigrants get food stamps if they are children, disabled, or elderly. The cost of this is fully offset, and it represents no net increase in spending. This bill does not affect any future immigrants to the U.S.

There is no excuse for this nastiness. The measure even takes away food stamps from some needy legal refugees who came to the U.S. to escape political or religious persecution. These are the neediest of needy immigrants. They have no sponsors. They have no

support here. Why on earth do we want to take away their food stamps?

The House must defeat this mean-spirited, hurtful rule. Before casting their votes, I hope Members understand that a vote for this rule, a vote to strip food stamps from children, the disabled, and the elderly who are legal immigrants, is a vote against citizens, groups that support disabled rights, religious groups, and advocates for the poor. It is a vote against farmers who will not be happy that this critical, time-sensitive legislation is delayed by the politics of malice.

If this rule passes, there is not a chance that the legislation will survive without the food stamp provision. The Senate, which overwhelmingly supported this bill, will not pass it. The administration, which strongly supports it, will veto it; and the American people, who are generous people, will not stand for it.

If this measure passes, we will have to change the inscription on the Statue of Liberty: Give me your tired, your poor, except for your disabled, too old, or too young. The Statue of Liberty must be weeping. I urge Members in the strongest possible terms, vote down this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. I yield myself such time as I may consume.

Mr. Speaker, let me say to my good friend, who I have great respect for, he says the Senate will not pass it. The Majority Leader, TRENT LOTT, has assured us that if this bill contains what it did originally in the House and Senate that he will pass that bill today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DICK ARMEY), the Majority Leader of the House.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I appreciate the fact that under different times and circumstances passions run hot. People get upset, feel the tension of this work. It is important work.

But I have to say, Mr. Speaker, I have heard a little rhetoric this morning that is a little hotter than is necessary and, frankly, quite inaccurate and unfair. ''Mean-spirited'' I think is a little harsh.

The agriculture community came to us, and they said they needed crop insurance. We agreed, and we want the agriculture community to get crop insurance through this Congress and through the White House, through the farmers of America. We are working hard on that.

They also want additional funding for agricultural research. We are perfectly excited about moving that forward for the agriculture community, so we passed through this House a bill that would provide for agricultural research and crop insurance. A similar bill was passed through the Senate, and then House and Senate went to conference. In that conference, several things were added to the bill that had not been in either the House bill or the Senate bill.

If we are going to talk about what is outside the regular order, what is outside the rules of the House, let us begin with adding things to a conference that is outside the scope of the conference. That, of course, was a startling event.

When they closed their conference and brought back a conference report with these things that were outside the scope of their conference, it is perfectly in order within the rules of the House for a Member to have a point of order against the conference report.

Why did the members of the Committee on Agriculture and the House and Senate, who had so convincingly made their case that crop insurance is important, get it done as quickly as possible, agriculture research is important, get it done as quickly as possible, why did they add so many things to that focused legislation that had come from both bodies that were outside the scope of their conference?

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, it is my understanding that crop insurance was not part of the legislation when it passed these individual Houses and was added simply on the same basis that the food stamp provision was. There is some inconsistency.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for that.

Let me say, in the interests of inconsistency, when the agriculture community and the agriculture committees came to the leadership of both bodies and said, this is urgent, we want to do so, they did so with our blessings.

Mr. FAZIO of California. Mr. Speaker, if the gentleman will continue to yield, they did not do so on the issue of food stamps. So let us just put it on the basis of where we stand.

Mr. ARMEY. The gentleman has had his time. I will make my point.

That being the case, I am sure the gentleman from California (Mr. FAZIO) might want to exercise his prerogative under the rules of the House with respect to his point of order.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would like to make the point, just so Members will know, when we are talking about these food stamps, there is a timeliness date of November 1. When we are talking about crop insurance, it is the end of June. That is why the crop insurance was added, because there is a time deadline. That is why it must be added on now. We can still deal with the food stamp issue any time during June, July, and August.

Mr. ARMEY. The point I would like to make, Mr. Speaker, is that both the leadership in the House and Senate did everything we could to work with the members of the agriculture community and the members of the agriculture committees to move forward crop insurance. That was the focus.

The fact of the matter is this Congress has taken great pride in the accomplishments we have made to relieve the States of unfunded mandates, and we have taken great pride in the welfare reform we have done. Everybody has understood, and for some period of time now we have been unable to solve the riddle of how to bring this legislation related to crop insurance to the floor because it was burdened with provisions that would be objected to by the majority of the people in the majority conference.

Now we have found a rule that makes it possible. Let me make no mistake about it. If Members vote for this rule and they pass this conference report, they can get crop insurance through the House on its road to the farmers of America. We can get research through the House on its road to the agricultural research centers of America. We can have them paid for.

If Members want to go back to their districts and say, I stopped the process, I scuttled the plane at takeoff, I defeated the rule because it was more important for me to have things, provisions of this bill that are outside of the scope of its intent, that relate to the extension of the time under which people who are legal aliens can get food stamps in America, because that was more important to me than you and your crop insurance in Iowa and North and South Dakota and Kansas, go ahead and make that vote.

But what I will not do is have Members say that they had to make this vote to deny them their crop insurance because the leadership did not treat us fairly. It is Members' choice. It is their vote. They should make it and accept their responsibility and accept their accountability for it.

If Members want a scapegoat in the matter, they are not going to find one here. I will be very happy to go back to the people of Texas and explain why it is that the gentleman from Texas (Mr. DICK ARMEY) was able to vote to get them their crop insurance and other Members of the Texas delegation were not able to make that vote.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, that was a fascinating statement that my colleague, the gentleman from Texas, just made.

The position that I am for today is supported by the State of Texas. The State of Texas has already done that which the gentleman opposes today, because they believe it to be right for those who have been affected by the food stamp provisions. They support our version of this rule.

It should not surprise anyone, though, because this is the same majority leader that was responsible for

passing the farm bill in the Speaker's office and promising that we were going to have unlimited access to world markets, and then will not even bring up IMF funding or fast track funding.

This is another backdoor attempt by the leadership of this House to gut agriculture in rural America, and let there be no mistake about it. We will not even have an opportunity to discuss the intricacies of the research and the crop insurance bill, because once this rule passes, with the mechanisms and the maneuvers that are going on in this rule, which the chairman of the Committee on Rules has already acknowledged a mistake was made last night and is going to attempt to correct it in just a moment, there are other mistakes in this rule today that can be corrected by going back up and letting the House work its will on a bill that the Senate has passed 92 to 8.

Yes, there are things in this bill that are outside the scope: crop insurance, food stamps. That is true. Why was it done? Because we have serious funding problems for rural America in the budget. The budget that I voted for has tight restraints.

We are looking for ways to help production agriculture, and we put together a coalition of consumer groups and production agriculture that said, here is some money that we can reprogram for purposes of feeding people, providing crop insurance, and providing funding for research.

This rule will destroy it. Let there be no mistake about it. If Members pass this rule, they are kidding themselves, if the Senate that voted 92 to 8, that it is going to go back and change its mind. Because the Speaker of the House and the Majority Leader of the House have said they have a better idea. They have already been through that for months. It is not going to happen.

The blame for having crop insurance problems is going to rest on the leadership of the House. If Members wish to have another political issue, and we have so many I cannot count them now, it is interesting, I am wondering if the Majority Leader's rhetoric is going to be the same on the ISTEA bill when it comes up later today as it is today. It is interesting how we are picking and choosing. I am frustrated with the picking and choosings that constantly and consistently say to rural America, you do not count. You do not count.

So, I say to the majority leader, I welcome this debate with the gentleman back in Texas. He is dead wrong, and anyone that follows his leadership is going to find that out.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we go again. It is what really disheartens me as a Member of this body. The gentleman from Texas (Mr. STENHOLM) has just stood up and said, we have so many issues now that we can play politics with. That is sickening.

He also went on to say that if Members vote for this, they are knocking out agriculture research and crop insurance. I have the amendment. As a matter of fact, I think I will offer it right now.

AMENDMENT OFFERED BY MR. SOLOMON TO HOUSE RESOLUTION 446

Mr. SOLOMON. Mr. Speaker, I offer an amendment placed at the desk which I have discussed with the minority, and I ask unanimous consent that it be accepted.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment Offered by Mr. SOLOMON to House Resolution 446:

Page 2, line 17, strike ''subtitle A of title V'' and insert ''sections 503 through 509 and by striking section 510(b)''.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

□ 1030

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from New York?

Mr. OBEY. Reserving the right to object, I would like to ask the gentleman a question. Let me explain why I am asking the question, to be perfectly fair.

What I am confused about is as follows: The gentleman indicated a minute ago that there were a number of things wrong with this conference report. I agree with him. I have made known my concern about the fact that this conference report contains new mandatory spending. I think that ought to be discretionary.

But I also recognize that there has been a compromise struck between the traditional agricultural interests and the nutrition program supporters and so each side has had to swallow some things they do not like. While the chairman indicated his concern about the entitlement that is created under this bill, he, in fact, has not allowed any point of order to be lodged against that, as I understand it. The rule that is brought to the House at this point only allows a point of order to be lodged against the food stamp provisions and the crop insurance.

I am sorry. I am wrong on that.

Let me ask the gentleman this: Is it the intent of the Republican leadership by what they are doing here today to take that $818 million, which is supposed to be used to reinstate food stamps for the neediest immigrants in this country, and instead move that over in order to pay for the ISTEA package that is coming up here later today? Is that the game that is going on?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SOLOMON. Absolutely not. It is the intention of the Committee on Rules and not the Republican leadership that we add back in the point of order that can be allowed against an unfunded mandate amounting to close to $2 billion that would pay for everything that is in this bill, including crop insurance, including food stamps and anything else.

If we are allowed to do that because of the inadvertent error that was made between the parliamentarians and the crafters last night, then it means that I, JERRY SOLOMON, would, at the appropriate time, be able to stand and raise a point of order against the unfunded mandate that you and I are concerned about.

If it is then voted down, let me explain, if that is then voted down, we would continue to consider the bill, at which time any Member, the gentleman from Wisconsin or the gentleman from Texas could then raise a point of order against the scope of the $800 million dealing with food stamps. That would probably be sustained by the Chair.

Then, under the rule, the House would automatically, the Chair would move to vote on whether to send this measure to the Senate minus the food stamps. That is what would occur.

Mr. OBEY. Mr. Speaker, continuing my reservation of objection, my question remains. Is it not true that if one of those scenarios occurs, that, in fact, that money will be on the table to be used later today for ISTEA? BESTEA?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, this would have nothing to do with that. I do not know what else the gentleman is driving at. What we are doing has no implication on the ISTEA bill coming up. That is an entirely different matter, and the monies involved have nothing to do with that. My good friend, as an appropriator, ought to be very concerned with what is happening in that ISTEA conference in what it does to his appropriations.

Mr. OBEY. Mr. Speaker, I have been standing on the floor for 3 days objecting to that conference report.

Mrs. CLAYTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Speaker, I would like to ask the chairman of the Committee on Rules if what he is proposing would take away the vulnerability of legal immigrants from receiving food stamps? Does he propose to allow a procedure that allows any individual to raise a point of order that would in essence deny the food stamps going to legal immigrants?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, under regular rules of the House, if a conference report were to be brought to this floor that would have a scope violation, which is the food stamp issue, then any Member would automatically be allowed to raise a point of order, strike that out, and then it would kill the conference report.

We did not want to do that, so we made a special provision so that if a

Member were to rise and raise a point of order and it were sustained by the Chair, then it would not kill, in effect, it would not kill the conference report. It would leave the bill then as an amendment standing and ready to go to the Senate without the food stamp provision in it. I have deliberately written it that way because I did not want to kill the conference report because then we could not deal with it in a timely manner for the crop insurance issue.

Mrs. CLAYTON. Would that also be true with the crop insurance then? The gentleman is just making this special provision for a point of order for food stamps?

Mr. SOLOMON. Yes.

Mrs. CLAYTON. He is not making that point of order for the crop insurance?

Mr. SOLOMON. No.

Mrs. CLAYTON. That is out of scope, too.

Mr. Speaker, if the gentleman will continue to yield, I just want the House to understand the difference between what we are doing with poor immigrants and what we are doing—by the way, I am for crop insurance.

Mr. SOLOMON. I know the gentlewoman is.

Mrs. CLAYTON. This bill is a well-crafted, balanced bill, and it is much needed in rural areas. But I cannot find the rationale for leaving out of scope the legal immigrants.

Mr. SOLOMON. Mr. Speaker, may I give the rationale? It is a sincere one, because I represent an agricultural district, just as the gentlewoman does.

But there is a timeliness involved with the crop insurance. In other words, it expires at the end of June and, therefore, we have very few legislative days left to work between the House and the Senate.

Mr. OBEY. Mr. Speaker, reclaiming my time under my reservation of objection, I certainly want to say that in addition to my suspicion about ISTEA, I think what is going on here is that there is an effort being made to once again set up a needless political confrontation under which a poison pill is inserted in this agreement. That will necessitate the White House vetoing this bill, and then that side of the aisle can claim that it is the White House that has shut down the crop insurance program.

That is what I believe is going on. I think it is incredibly outrageous.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY), and I just want to be clear, what has happened here.

What happened is, last night we passed this rule, about 11:30. This amendment that the chairman of the Committee on Rules has talked about said, I want to make it perfectly clear what his amendment will do that he will offer, it will take away the eligibility of food stamps for legal immigrants. It exposes whole sections, because what it does with sections 501 and 502, these are the provisions that pay for crop insurance programs; the sections that the rule allows to be taken out, the sections that the rule allows to be taken out of the bill are the provisions which will allow legal immigrants to receive food stamps.

This amendment takes away eligibility of food stamps, because what it does is it exposes the food stamp sections to the scope. And what will happen is somebody from the gentleman's side will raise a point of order. The point of order will be, will rule against the point of order. The section will be taken out. So effectively what he is doing is, he is not portraying exactly what his amendment is doing.

This will take legal immigrants out of the bill. I want everybody to understand that. I have the amendment right here. I can read it. This takes legal immigrants on food stamps completely out of the bill. Everybody should understand that.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would ask all of my colleagues to pick up the conference report and look at title V. We are doing exactly what the gentleman from Oregon (Mr. SMITH) and the aggies have asked us to do. We are adding back in section 501 and 502, which is a reduction in funding of employment and training programs, a reduction in payments for administrative costs. That is the pay-for. The gentleman asked me to put that back into the bill. That is exactly what this amendment here does.

For the gentleman from Ohio to say that this is striking out the food stamps is absolutely wrong. This amendment, and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Texas (Mr. STENHOLM) and anybody else will tell the gentleman that we are putting back in the pay-for, as we were asked to do. That is all the amendment does.

Mr. HALL of Ohio. Mr. Speaker, if the gentleman will continue to yield, I would just like to say what it does is that it exposes the sections on food stamps to——

Mr. SOLOMON. Mr. Speaker, on this amendment, I do not.

Mr. HALL of Ohio. In the rule, you do.

Mr. OBEY. Mr. Speaker, reclaiming my time under my reservation of objection, I yield to the gentleman from Texas (Mr. STENHOLM), distinguished ranking member of the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me.

I want to make one correction. I believe the chairman of the Committee on Rules misspoke but not intentionally. What the House Committee on Agriculture, the gentleman from Oregon (Mr. SMITH) and I, have asked you to do is to report a rule to allow the conference report, as reported unanimously from the House and Senate, that passed by 92 to 8, to be allowed to be voted on today. That is what we asked for, not what you stated we asked for.

Mr. OBEY. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I just want to say something to the gentleman from New York (Mr. SOLOMON) in terms of effective date.

Right now there are hundreds of thousands of legal immigrants who are ineligible for food stamps. What is being proposed is that their eligibility begin November 1, but there is a time sequence, a time impact for these people. They now are ineligible and, in many cases, hungry.

This has nothing to do with welfare reform, Mr. Speaker. AFDC was reformed. We added SSI and food stamps as additional portions. We have restored now most of the money for legal immigrants in terms of SSI. This now suggests that we add $800 million of the $27 billion that was cut, and we are cutting food stamps by $2 billion and restoring $800 million. There is a net cut in food stamps.

Essentially, what the gentleman's amendment would do would be to shelter crop insurance from any objection, but leave food stamps for one person to object to and raise it in front of here for a majority vote, when the Senate has overwhelmingly said that food stamps should be put in. You are delaying crop insurance and everything else. You are delaying; you are the ones who are doing it.

When the gentleman from Texas (Mr. ARMEY) gets up here and talks about crop insurance, et cetera, and talks about other things, that is a smoke screen, if I might say so.

I want to just make it entirely clear what the gentleman is doing here. The Senate has already voted.

I want to make one last point: Do not say that the food stamp issue is a surprise. We debated that issue when this bill came through here, and we were told by some on the gentleman's side that it would be raised in conference. Go back and look at the debate.

You are going to come forth here on a bill I am going to vote for on ISTEA, asking to put in numerous provisions that were not discussed in the Senate or the House on the floor. You are going to ask a waiver. But when it comes to hungry people, you do not want to respond. It is disgraceful.

Mr. OBEY. Mr. Speaker, continuing my reservation of objection, I would simply say that what the Solomon amendment does is simply to restore the pay-for. It still leaves food stamps open to being vulnerable to a single point of order objection by a single Member, and it is gone. That is why I

say that this process is designed to create another needless political confrontation.

We ought to be here trying to deal with the problems of workers, the problems of farmers, the problems of food stamp recipients, the problems of agriculture research. Instead, another needless political argument is being fashioned, and I think it is incredibly unfortunate.

I yield to the gentleman from North Dakota (Mr. POMEROY).

□ 1045

Mr. POMEROY. Speaking to the crop insurance and ag research portions of this bill, Mr. Speaker, the one way we pass this today and ensure its enactment is to pass the conference report, the one adopted by the Senate by 92 votes.

The Committee on Rules follows that up. The Chairman's amendment does not cure it. This body has to pass this bill today. And for the majority not to bring the conference report, as unanimously adopted by conference committee and passed in the Senate to this body, is a slap in the face to rural America and every Member representing rural America.

Mr. SOLOMON. Mr. Speaker, does the gentleman intend to object?

Mr. OBEY. Mr. Speaker, reserving the right to object.

Mr. SOLOMON. No, Mr. Speaker, we have to go to regular order at some point.

Mr. OBEY. Mr. Speaker, if the gentleman wants me to object, I will object.

Mr. SOLOMON. I am not asking the gentleman to. I am just saying we do have a time limitation. The gentleman knows that. We cannot continue under reservations beyond regular rules of order.

Mr. OBEY. The gentleman created this situation. I do not think he should object to people who are stuck with it.

Mr. Speaker, reserving the right to object, I simply wanted to say that I find it quaint, indeed, that there are objections being made to the fact that this conference report creates a small amount of additional mandatory spending for agriculture when they intend to ram through this place $220 billion in new mandatory spending on the highway bill, and we will not be able to in any way prevent that from becoming mandatory spending. I think that is absurd.

Mr. Speaker, I object to the gentleman's unanimous-consent request.

The SPEAKER pro tempore (Mr. CALVERT). Objection is heard.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Solomon:

Page 2, line 17, strike ''subtitle A of title V'' and insert ''sections 503 through 509 and by striking section 510(b)''.

The SPEAKER pro tempore. The amendment will be considered pending and will be voted upon.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, 1 year ago today, just before going out on Memorial Day recess, we failed to pass the disaster bill. My colleagues forced me to go back to the people of Grand Forks, North Dakota, and tell them that Congress politically was unable to respond to a situation that desperately needed responding to.

Here we are again doing exactly the same thing. We have a disaster in rural America. We have got farmers in a world of hurt in the area I represent and all over the country, and we are about to go out on Memorial Day recess without having passed this vital bill, this vital bill that makes a commitment for ag research, so desperately needed in the future, and a commitment to crop insurance, which is so desperately needed to help farmers stay in the business of farming.

Do we just want to come right out and end family farming? Why do we not just have a vote to end family farming? We could just as well for the way this body is dealing with this situation. Have we learned absolutely nothing from the disastrous debacle that so disgraced this body 1 year ago?

We need to pass this bill today. And the only way we do it is by passing the conference report. I urge rejection of the amendment.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support of the rule, as amended, whether we either accept it by unanimous consent or vote to accept it.

I want to take the blame for being the skunk in this garden party, because it was me, yesterday, that said I would come to the floor and object to the unanimous consent to bring the conference report up immediately. I told that to the Republican leadership. I was prepared to do that.

So the Republican leadership yesterday afternoon was prepared to bring the conference report, bring it to the floor, or at least get unanimous consent to bring it to the floor last evening or this morning, and I was prepared to object to that.

Under the normal rules of the House, any Member can stand up and object to any item in a conference report that is outside the scope as reported by the House and the Senate. Under normal procedure. Not under a special procedure. And I was prepared to do that.

In attempting to address the legitimate concerns of agricultural research and crop insurance, we tried to craft an approach that we could waive the normal rules of the House, except on certain provisions: one dealing with food stamps, one dealing with unfunded mandates. And, in doing that, inadvertently, certain things were taken out that should not have been taken out. So the chairman of the Committee on Rules is attempting to amend the original rule.

All I and I think many Members on this side of the aisle want is an up-and-down vote on these expansions. If we win, we win. If we lose, we lose.

My good friend from Abilene, Texas, pointed out that the State of Texas has decided to extend some benefits to certain aliens that were eliminated in the Welfare Reform Act. Texas and every other State has the right to do that under existing law.

I would also point out that the welfare rolls are down 30 percent nationwide, and I am not aware that there are huge numbers of people that have suffered as a consequence of that. There may be individuals that have, and we can address those as needed.

The gentleman from New York (Mr. WALSH) has a bill, he told me this morning, that would reestablish some of these benefits. It should be brought to the floor. It should be voted on on its own merits. But we should not cast stones on people that want to go through regular order, trying to insist that conference reports come back within the scope and be voted on within the scope.

So, again, to conclude, I am the skunk of the garden party that yesterday afternoon said I would object to the unanimous consent request to bring the ag research bill up as it came out of the conference, not the chairman of the Committee on Rules, not the majority leader, not the Speaker. So if there is a skunk in this debate, it is the gentleman from Texas (JOE BARTON), of the Sixth District.

Mr. HALL of Ohio. Mr. Speaker, I yield 1¼ minutes to the gentleman from Iowa (Mr. BOSWELL).

(Mr. BOSWELL Asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I would just state quickly, I follow how things go here, and I find it very interesting at times. But I know this for a fact: That we have people trying to plant and get ready to go to field, and they are counting on this crop insurance thing to come through.

I agree with the gentleman from North Dakota (Mr. POMEROY) that we have got to pass this bill today. We must do it. I am convinced, as I have listened to this discussion, that this rule will kill the report, and we cannot afford to do that. Time is of the essence.

Another thing that has come to my attention. Some of my colleagues, as well as I, served in the Vietnam conflict. And I remember very well the acquaintances I had in working with the Montagnards, the Hao Laotians and others. They fought at our side and they were valiant, and I think perhaps because of some of their willingness to put their lives on the line, I can be here today.

Some of them have come to this country, and they are legal aliens, and

I cannot imagine that we would not want to provide assistance to them. I hope that my colleagues will defeat this rule, and we can get on with the business.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, I rise today as a member of the Committee on Agriculture to indicate that this is a critical day and a critical vote for production agriculture and consumers across this country.

If we do not defeat this rule, if we do not proceed to an immediate vote on something that passed overwhelmingly in the Senate, unanimously by conference committee, we will lose an opportunity to provide food safety in our country through increased food safety research; to provide a crisis management team that will be able to go out when there is a food safety crisis and be able to protect our consumers across the country. We will lose the opportunity to provide critical agricultural research.

My State farmers have lost $56 million last year on wheat scab and vomitoxin. I know that in South Dakota and Minnesota and important other parts of the country, critical, critical dollars have been lost as a result of these kinds of diseases. Without this bill, we will see farmers continue to lose hundreds of millions of dollars.

A vote against the rule is a vote for agriculture.

Mr. SOLOMON. Mr. Speaker, can you give us the time allocation on both sides?

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) has 9½ minutes remaining, and the gentleman from Ohio (Mr. HALL) has 18 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Speaker, I think everyone has to fully understand what are the consequences of this rule. To vote for this rule is to be turning our backs on American farmers, to be turning our backs on our agricultural research institutions which are performing a service that is benefitting consumers and benefiting our economy.

There is no secret about the fact that we have almost every major agricultural organization in this country asking Members, Republicans and Democrats, to oppose this rule: the National Cotton Council, the National Association of Wheat Growers, the American Farm Bureau Federation, the National Cattlemen's Association, the National Pork Producers Council.

Every major agricultural organization is saying to vote ''no'' on this rule because they know that it will jeopardize crop insurance and it will jeopardize ag research.

The contentions of the gentleman from New York (Mr. SOLOMON) that Senator LOTT can ensure that they can pass this bill with his amendment in it is absolutely false. Senator GRAHAM offered an amendment that did something that was even less onerous in terms of its provisions on food stamps, and it failed 77 to 23.

This bill dies if this rule goes through.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, this rule is, indeed, unfortunate, because agricultural research provided for in the committee bill is much needed, for a variety of reasons.

I cannot conceive that we would think feeding legal immigrants is any less important than any other part. I come from the rural areas, and I know there is a deadline and crop insurance is much needed. But people needing food is basic, too. And I just cannot conceive that we would even want to be part of a bill that would place the vulnerability of some 800,000 legal immigrants at risk, and that we could not craft a balanced approach.

In fact, the Senate and the House crafted a very balanced approach. If we are about rural America, if we are about agriculture, if we are about research, we will vote against this rule. We can make this rule right and we can move on and have a fine, acceptable bill for production, for research and for crop insurance, as well as something for legal immigrants.

Defeat this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I urge my colleagues to not ignore the importance of restoring food stamps to U.S. legal residents.

Many in our Republican leadership will work to restore these benefits. I know that their commitment is true, it is valid, and this will work out, and I thank them for this. But, right now, it is important to stress to our side how vital this issue is.

These are U.S. permanent residents who came to this country legally. They are law-abiding, taxpaying residents of the United States who have sacrificed their health and their lives in order to promote our ideals of democracy and liberty, the ideals of this great Nation, and who aspire to dream and live the American dream.

It is ironic that when the tax man comes, there is no distinction made between a U.S. citizen and a U.S. resident. Both are obligated to pay their taxes. It is ironic that when Uncle Sam calls for military troops to go to war, no distinction is made between a U.S. citizen and a U.S. legal resident. Both must report to Selective Service.

The Senate has wisely voted to restore food stamps to legal U.S. permanent residents who are elderly, who are disabled. Let us help those 250,000 legal residents.

□ 1100

And what of those families who have young children and need to put food on the table? I know that my colleague the gentleman from Florida (Mr. DIAZ-BALART) has helped in the Committee on Rules to try to right this wrong.

I ask my colleagues, who is going to give 75-year-old legal residents, many of whom live in our districts, a job so that they can sustain themselves? They are willing to work, but their age and their health prevents them from doing so.

There is a lot that we could do, Mr. Speaker. This is a generous country. We have helped those in need. We must ensure that our own, our legal residents, U.S. permanent residents who came to this great Nation in search of the American dream, are not deserted by the Congress.

The Senate has already sent a loud message on this issue. We should give assistance to those legal residents who have paid their dues. They are needy. They need our food stamps. It is unfair to deny this aid to them.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I rise today because, as a Member of this body, we start off on each legislative day with a prayer; we pledge allegiance to the flag, declaring liberty and justice for all people. And to borrow a passage of scripture, I would simply say to all of my colleagues on both sides of the aisle ''come and let us reason together.''

I believe that all of my colleagues in this body certainly have a good heart. Whether it has been bypassed or put in a pump or whatever, the heart still works. And I would trust that we would amass sufficient votes to oppose the rule, inasmuch as it injures 250,000 legal immigrants.

The legal immigrants, as we have heard several times today, are elderly people, disabled people. And those of my colleagues who are readers of the Bible, please know that there are at least 35 references to poor people. Hungry people are mentioned in the Bible as well. And it is distressing that these provisions are here. I would encourage my colleagues to defeat the rule.

Mr. Speaker, I rise today in strong opposition to this rule. The bi-partisan effort achieved in the agricultural research conference report to restore food stamp benefits to 250 thousand legal immigrants is to be applauded. These legal immigrants are the elderly and disabled immigrants who were legally in the United States and were eligible to receive food stamps before the Welfare Reform Act of 1996, as well as the children under age 18 who were in the United States at this same time.

I would like to remind my colleagues that this restoration of food stamp benefits was fully offset by lowering the cap on the amount of money the Federal Government will reimburse the States for food stamp administrative costs.

It is distressing that these provisions were overwhelmingly supported by the other body and that a House-Senate conference committee approved these provisions unanimously and yet this rule singles out food stamps and promises to eradicate this bipartisan compromise.

If this rule is not defeated—the effect will be that 250 thousand deserving children, elderly and disabled in our Nation will be denied the food stamp benefits they desperately need.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let me just say to the previous speaker that I certainly respect her views. I am one who was raised by a grandmother. And I have read the Bible three times and am very proud of it.

Mr. Speaker, I yield 2 minutes to my very good friend, the gentleman from Syracuse, New York (Mr. WALSH).

(Mr. WALSH asked and was given permission to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I thank my good friend and colleague from New York (Mr. SOLOMON) for giving me the opportunity to use his time to speak against his rule. That is the kind of a gentleman he is. And I hesitate to disagree with him on most occasions, but on this one I strongly disagree.

This rule is wrong. This conference report was carefully crafted to allow for ag research to be brought forward, to include crop insurance which is sorely needed, especially at this time of year, planting season, and also to deal with the issue of food stamps for legal immigrants.

I strongly supported welfare reform. And I, like most of the rest of my colleagues, have gone around the country and bragged about what a success it has been. And it has been a success. But, my colleagues, as relates to legal aliens, people over 75 years of age, people under 18 years of age, and those who have become disabled since they came to this country, we need to show that we care. We need to show that this country has a big heart. We need to show that this country is wealthy enough to help take care of them, get them through a difficult time.

Welfare reform has worked, but there are certain aspects of it, including food stamps, that went too far. This was not a provision early on in welfare reform. The President has asked us to include $2.5 billion more for food stamps. This conference report includes about one-third of that request. It is not nearly what the President requested. It is a carefully crafted compromise, not unlike the ISTEA bill that we will be voting on later today.

So in conclusion, my colleagues, I would urge a defeat of the amendment, a defeat of the rule, and ask the Committee on Rules to go back, review this rule, and give us an opportunity to vote up or down on the conference report so that we can help to take care of people who need help and to get this agricultural research bill passed in a timely basis.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, as my colleagues just said, this rule breaks that delicate compromise that was reached that withdrew savings in food stamp programs, allowed us to provide more monies for agricultural research, more monies for crop insurance, and more monies to provide food for very hungry elderly, disabled, and children who are legal immigrants, legal immigrants.

If we send this out, and I hope we do not, I hope we defeat this rule, the Senate will still be able to put holds by any single member of the Senate on this bill; the Senate will be able to amend this bill further; and even if it should pass out of the Senate and come back here and still pass, the President has already said he would veto this bill if it did not include the three components of this compromise.

Why we would want to stall this bill I do not understand, except to say that what it does is, it kills entire components of the bill because there will not be money left over at the end of the day to do all we want to do on transportation funding, all we want to do for Social Security and still come back. Defeat the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK) of Florida.

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I have worked very hard since I have been here to try to be sure that legal immigrants receive justice and fairness in this Congress. Here we go again, turning around some of the good things we have already done.

In order to strike from the conference report, I am asking my colleagues to please kill this rule so that it will never come before this floor in this manner again. They want to now go back and cut out 250,000 legal immigrants in terms of getting aid.

In my county, Dade County, 40,000 legal immigrants lost their food stamps because of the mistakes we made before in the 1996 welfare law. The conference report with restore this. Why not do the right thing?

We have said many things, that they want to describe how they came to all of these conclusions. The procedure is not important. It is the end result that is important. Everything that my colleagues have done, everything that the gentleman from New York (Mr. SOLOMON) has talked about leads to one thing, the destruction of food stamps for legal immigrants. It is very simple.

So all we need to do is to kill this rule. It is a simple thing. It does not take too many explanations to see that they have changed what the conference intended. Let us kill this conference report.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT) the minority leader.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM) for the purpose of asking a question.

Mr. STENHOLM. Mr. Speaker, it was stated earlier that if this rule passes in the form in which we are discussing it and the bill is sent over to the Senate, that this agricultural research bill, with the crop insurance and the other provisions, would pass very soon in the Senate.

Is that a fair statement? Is that the understanding of the gentleman, that that is what the Senate would do?

Mr. GEPHARDT. Mr. Speaker, reclaiming my time, if the gentleman would yield, after speaking with Members in the other body just in the last few minutes, it is my understanding that there are Democratic Members prepared to take action, which they can take under the rules of the other body, to stop this bill without the food stamp legislation being in it from becoming law today or at any time in the future.

Mr. STENHOLM. Mr. Speaker, if the gentleman will continue to yield, let no one be deceived. If this rule passes as it was designed, this bill is going to be dead. It will not pass, and we are going to get into a ''he blamed,'' ''he did,'' and what have you, just like we did 2½ years ago and shut down the Government. This is not the way for us to proceed.

I thank the gentleman for clarifying that.

Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds to say that in my 20 years in this body, I have never heard of any President threatening to veto anything because it did not contain extraneous matter. That to me is shocking.

It is also shocking to me to find out that our good friend the gentleman from Missouri (Mr. GEPHARDT) would speak with Members in the other body, Democrat Members, that would kill crop insurance that has to be enacted in a timely manner by the end of June. I am shocked.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Might I inquire, Mr. Speaker, how much time is remaining on my side?

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Ohio (Mr. HALL) has 10 minutes remaining. The gentleman from New York (Mr. SOLOMON) has 7 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Ohio for yielding me the time.

The conference committee report is a good report. It is a good deal. The compromises have been made. And frankly, as a member of the Committee on Agriculture, the reason we got to the compromises is because the food stamp program allowed for savings. That is where the money comes from.

I want to applaud the gentleman from Texas (Mr. SMITH) and the gentleman from Texas (Mr. COMBEST) for the work they have done. We have had a great bill. We all agree on it. There is no objection to it. Unanimous support in the Senate. And it comes over here and now we are going to try to screw it all up with a lousy rule.

We have got to defeat the rule and support the conference committee report unamended.

Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds to say, the gentleman said this is all paid for, this is great. And how are we paying for it? We brave Members of Congress, we brave Members of Congress are going to pay for it by making the State pay for it and making their local taxpayers pay for it in real property taxes. Are we not brave?

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, yes, I rise in strong opposition to this rule because I really do not think it is the job of the Committee on Rules to thwart the will of the committees of this House, both the Committee on Agriculture and the Committee on Appropriations. Because this rule, in fact, destroys the delicate balance that has been struck between key provisions in this bill.

For example, as Dean Kleckner, president of the American Farm Bureau Federation, says, the bill is very carefully crafted, balancing the needs of four communities: our research committee, those farmers that need crop insurance, food stamps for over 250,000 legal, and I underline legal, immigrants, and of course rural development.

One of the other reasons to vote ''no'' on the rule is it actually is a budget buster because, in effect, the offsets that are included in the provisions that are struck leave us with $1.2 billion in additional deficit because of what has happened in the way the rule is crafted.

So I urge my colleagues to vote ''no''. This is bad policy. It is bad procedure. And it undermines key agricultural interests across this nation.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I say to the gentleman from Texas (Mr. STENHOLM), I come from the consumer community and I want to stand with him and the farmers of Texas.

This is a bad, bad, bad, bad result. In my home State of Texas, 124,000 legal immigrants lost food stamps. Thirteen thousand of these who lost food stamps are children. The State itself is only able to recoup some 15,000.

This is an effort to bash and to juxtapose those of us who are consumers, who have supported our farmers on crop insurance and research and matching our efforts together with the starving children of America. That is right, legal immigrant parents who have citizen children. Are we here to deny them the opportunity?

This deal was already made. We know where our bread is buttered. It is buttered with cooperation and collaboration. The Senate knows by voting 92–8. Bust this rule, because this rule wants to bash farmers and bash consumers. We are going to stand up for those who have made a good rule, and the rule is to support the starving children. How about my colleagues?

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for the opportunity to speak on this crucial issue. I strongly oppose the rule striking reauthorizing food stamps for legal immigrants in the United States.

The rule that has been recommended would set up a ridiculous procedure which gives Republican opponents two extraordinary procedural mechanisms to kill the bill. Under this absurd procedure, the House will not even be allowed to debate the bipartisan conference report, even though the conference report has already been filed and has already been approved by an overwhelming bipartisan majority in the Senate. I vote to reauthorize food stamps for those who need them.

We must restore food stamps to our 900,000 legal immigrants including farm workers. Food stamp recipients are refugees, the elderly, disabled Vietnam veterans and children who are facing food and nutritional deficiencies in larger and larger numbers.

This year, approximately 600,000 U.S. citizen children with immigrant parents will have less food on their tables because of these cuts. Since food stamp access has been cut, a widening hunger crisis has emerged that private charities and State and local governments have not been able to handle.

There simply have not been enough resources to feed all the hungry. Catholic Charities USA, Second Harvest and the U.S. Conference of Mayors have all reported major increases in request for emergency food assistance while food pantries are going empty and are turning people away.

In my home State of Texas, 124,000 legal immigrants lost food stamps. 13,090 of these who lost food stamps are children! The State itself is only able to cover approximately 15,000 people under a State program for elderly and disabled during this biennium.

The elimination of food stamp benefits for adults without children is calculated to create a mass of people who are desperate to take any job, no matter how poor the wages and conditions.

It will serve to intimidate all lower paid workers, a valuable and crucial section of the American work force.

President Clinton singled out these welfare provisions as particularly unfair, and has since asked for $2 billion to restore benefits to about 730,000 immigrants.

Striking this rule would deny almost a million people, old and young, and those contributing as a valuable force to our nation's economy. I vote not to strike the rule and to reauthorize food stamps.

□ 1115

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Speaker, let us get right to the crux of this thing. This has nothing to do with crop insurance. It has to do with politics, and it may be good politics, because you can make food stamps for aliens seem so vicious and so ugly. I would imagine the press releases are already out for those that are speaking against this, that the press releases will go out: So and so voted to kill crop insurance so you can get food stamps for aliens. It will not say ''legal aliens''; it will just say ''aliens,'' and it will make it sound so ugly and so vicious.

This is about politics. This is not about a conference report. The Committee on Rules is the Speaker's committee. It is now, it has always been, and they do what the Speaker asks them to do.

This is about politics. It has nothing, nothing, nothing to do with all the good things that are in this bill. It is strictly politics. The press releases are already written and ready to go out.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I would just like to clarify one point in the amendment that is being offered by the gentleman from New York (Mr. SOLOMON) where he is saying he is addressing the issue of the unfunded mandate.

But what is somewhat ironic and I think somewhat hypocritical is that, where he is contending that this is an unfunded mandate, his amendment is actually putting that money back in the bill. If we really are concerned about that issue, then we should not have the money in that bill at all.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am doing it because it was inadvertently left out, and I am trying to be fair to all sides on both philosophies. The gentleman knows that.

Mr. DOOLEY of California. Mr. Speaker, the issue is, the gentleman is willing to have an unfunded mandate for some provisions and not others?

Mr. SOLOMON. That is correct.

Mr. DOOLEY of California. So I think the case is really clear, that the gentleman from New York (Mr. SOLOMON) has made a determination that it is all right to have an unfunded mandate for some provisions but not for others.

It is clear why we have such a broad coalition which is opposing this bill. Every major U.S. agriculture organization is opposing it. Every group that is concerned about food and nutrition is opposing this rule. Every Member of this Congress should oppose this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to oppose this rule. Funding provided through this authorization is used by State research centers to protect and to approve the use of crops.

This rule jeopardizes some of the most important research that is done in this country. In my congressional district, scientists at the Connecticut Agriculture Experiment Station have used U.S. Department of Agriculture grants to fund research on ticks that causes Lyme disease and yew trees that produce taxol in order to fight breast and ovarian cancer.

I am dismayed that some in this body will try to stop a carefully crafted compromise bill. As one of my colleagues said earlier, this is a political bill. It is going to stop funding that is available to legal immigrants in this country, food and nutrition programs.

It is shameful. I urge my colleagues to vote against this rule.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from New York (Mr. SOLOMON) has 6½ minutes remaining. The gentleman from Ohio (Mr. HALL) has 4 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on Rules for yielding to me.

Mr. Speaker, I do rise in support of this rule. The rule allows for a point of order to be raised on the provisions of the conference report that would expand by $818 million government benefits for noncitizens. These provisions were wholly outside the scope of either the House or Senate bills that were committed to the conference.

The provision allowing the point of order is, first of all, about protecting the integrity of the process. The bill the House sent to conference did not contain the $818 million in food stamps for immigrants. The bill the Senate sent to the conference did not contain a provision for the $818 million in food stamps. But the conference report we are being asked to adopt today does contain such a provision, a provision inserted, without deliberation, by the Members of this body.

The issue is not about immigrants. If the issue were about immigrants, we would be talking about the sponsors of these immigrants and the fact that they signed an affidavit and that they promised to take care of these individuals if they were not financially able to take care of themselves.

To my knowledge, Mr. Speaker, not one time concerning the millions of noncitizens receiving government benefits today have we asked the sponsor to be responsible for that commitment, and we should not ask a single taxpayer to foot the bill until we have looked to the sponsors first.

The issue, then, is not about immigrants. It is about priorities. The conference came up with $818 million, almost $1 billion, that could be reallocated to other programs. Apparently they decided that they had maximized funding of programs for the American farmer. Apparently they decided that food programs for women, children, and infants, the WIC program, did not need any additional funding this year. Apparently, they decided that food programs for impoverished elderly citizens were sufficiently funded to meet the needs for all the individuals at risk.

I say ''apparently'' because neither my constituents nor those of the vast majority of the Members of the House were granted the opportunity guaranteed under the rules of the House to be heard on these priorities.

Today, the issue is one of concern to my constituents, but tomorrow the issue may well be of concern to the constituents of other individuals when they see a conference report add additional programs. The rule before this body preserves the integrity of those rules and the process, the opportunity for all Americans to be heard on matters of public policy.

Mr. Speaker, under this rule, the farm provisions will be able to move forward, and we will also preserve the integrity of the system, and I urge my colleagues to support it.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. STENHOLM), the ranking minority member on the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me, and I want to use this time to fully explain the issue that we are talking about.

Mr. Speaker, if this rule passes, the crop insurance program is going to be thrown into turmoil, because it cannot and will not pass in the form in which the House leadership has suggested that it should pass. It will not.

So let it be clear, if the rule should pass, the blame lies with the House of Representatives on what happens afterward.

And that is not just CHARLIE STENHOLM speaking. I have a list of 76 organizations that have come to the same conclusion, and I will read just a few: the National Association of State Universities and Land Grant Colleges, the National Cotton Council, the American Sheep Industry, Southwest Peanut Growers, National Farmers Union, American Farm Bureau Association, National Cattlemen's Beef Association, American Bankers Association, Independent Bankers Association, Catholic Charities U.S.A., Council of Jewish Federation, Lutheran Social Services in America, and I can go on and on.

We are playing politics with the lifeblood of individual citizens of this country, farmers and ranchers, and also those who depend upon the production of those farmers and ranchers.

This is a philosophical battle that we have been going through now for several years. This is a perfect way to demonstrate who feels how. I respect those who feel so strongly that they would take this issue that has already been rejected 92 to 8 and force the issue again and try to place the blame on somebody else. I respect them trying that, but I sure do not understand why they would choose that political motive to go.

Mr. Speaker, I rise in strong opposition to this rule. It is unprecedented. The parliamentarians of the House cannot think or find another method of this type on a conference report that has ever been tried. That ought to tell us something.

The fact that the chairman of the Committee on Rules, he and I go back a long way, and I have a lot of respect for him, but the fact that he would come on the floor and speak against something and then offer the amendment should tell the Members of this body something.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I think it shows that the chairman of the Committee on Rules is the fairest Committee on Rules chairman you have ever had around here.

Mr. STENHOLM. Sometimes that is right.

Mr. SOLOMON. He has the biggest heart.

Mr. STENHOLM. Sometimes that is right, and sometimes that is wrong, but I appreciate the sense of humor in which the gentleman yields. But the colleagues should be looking at this right now and understand that we are playing games, and this is serious. This is serious.

The reason, and I wanted to close with this, this bill, and it is a good bill, is paid for; to the extent changes are being made in this, these costs are fully offset by reductions in food stamp spending and in crop insurance programs.

In fact, this bill, if it passes, will create a surplus of $101 million over the life of the bill. So I ask my colleagues, please reject this rule, and let us send the Committee on Rules back to do that work.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be very brief. This is probably the worst rule, certainly the most cruel and harsh rule that I can remember being part of since I have been on the Committee on Rules. It is anti-poor, it is anti-hunger, it is anti-legal immigrant, it is anti to the most vulnerable of our society. Almost any group in this country that I respect, that most Members in this room respect, are against what the Committee on Rules is trying to do today.

I urge a very strong ''no'' vote on this rule and hope that it is defeated in a very bipartisan way. Please vote no on this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the gentleman wants to know why I am going to offer an amendment to put back an unfunded mandate that I just adamantly oppose, and the reason is fairness. It was inadvertently taken out in the Committee on Rules because of an understanding with the parliamentarians, and we are going to put it back in.

Mr. Speaker, I yield briefly to the gentleman from Oregon (Mr. SMITH), the chairman of the Committee on Agriculture, for a short colloquy.

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman, and I would like to enter into a colloquy with the chairman regarding procedure.

It is my understanding that the issue before the body is an amendment to the rule which would reinstate the offsets for both crop insurance and for research.

Mr. SOLOMON. The gentleman is absolutely correct. It would reinstate the pay-fors for both crop insurance, for agriculture research and for food stamps, 100 percent.

Mr. SMITH of Oregon. One further point, Mr. Speaker: There will be two votes, one on the amendment of the rule and one on the rule which is being debated and has been debated here all morning long. So we have two issues here before us?

Mr. SOLOMON. That is correct.

Mr. SMITH of Oregon. I thank the gentleman.

Mr. SOLOMON. The gentleman is right.

Mr. Speaker, let me just say this, this unfunded mandate is going to add $3.6 billion over the next several years that is going to have to be paid for by our States and by our local governments. We all know that local governments pay for this expense out of real estate taxes.

In the Hudson Valley that I represent, we have people that live on incomes of $4,000 and $5,000 a year, people on fixed incomes. Their taxes on their property to try to maintain and live in that home that they have lived in all their lives is sometimes $2,000. You are going to add another $500 to the cost of those people living on that? That just is not right. That is why I oppose the unfunded mandate.

Let me tell my colleagues the other reasons. On the food stamps itself, I do not like to stand up here and say we do not want to give food stamps to needy people. But I am going to tell my colleagues something, two points. I was born on August 14th, 1930, right in the middle of the Depression. My dad walked out on me and my mom, and we never saw him again. That was in 1930. It was hard to stay alive. But do you know who helped us? Our relatives. Do you know who those relatives were? They came over from Scotland. But we brought over the young ones first so they can come over here and begin to make a living so that they could be responsible for the older Scottish relatives of ours. They came over, and then we took care of them.

□ 1130

When you are talking about these legal aliens in this country, somebody signed for them when they came over here. Somebody is responsible for them. But we say no, willy-nilly, they do not have to take care of them; the taxpayer will take care of them. That means that those of us who worked all our lives and were responsible, that have taken care of our own relatives, we have to pay for those that did not. That is what this argument is all about. You ought to think about that when you are voting on this entire issue today.

Mr. POSHARD. Mr. Speaker, I rise today in opposition to the rule for consideration of the conference report on S. 1150, which permits a point of order to be raised against a critical provision of the bill. As filed, the conference report will allow the restoration of food stamp benefits to about 250,000 legal immigrants who lost their eligibility as a result of the 1996 welfare reform bill. Sadly, although the cost of this provision is more than offset, some of my colleagues are attempting to strike it from the bill, jeopardizing the health and well-being of thousands of needy families.

This is an excellent, carefully crafted bill, and it is unfortunate that its quick passage is being threatened by those who do not believe that food stamps should be restored to some of the most vulnerable children, elderly and disabled persons in our society. The conference report is supported by a strong coalition of groups representing farmers, ranchers, crop insurers, researchers, immigrants and religious and community activists. It provides new funding, sets forth important reforms to our crop insurance and agriculture research programs, and helps provide the tools to ensure that the United States will remain at the forefront of agricultural productivity and competitiveness into the 21st century. I know how important this bill is to the agriculture community in my congressional district and throughout rural America, and I am dismayed that certain members of this body would stand in its way in order to indulge in an unnecessary and mean-spirited, partisan confrontation.

I urge my colleagues to preserve the delicate balance represented by this conference report. If passed as written, it will meet the urgent needs of the crop insurance industry, America's agricultural research institutions, rural communities seeking development assistance, and the most vulnerable legal immigrants. A vote for this rule will send a clear message to rural Americans and to needy immigrants that their needs are of secondary importance to partisan politics. That would be a tragedy, and it can be avoided by casting a no vote.

Mr. VENTO. Mr. Speaker, today I rise in opposition to the Rule on S. 1150 which would jeopardize food stamp restoration, crop insurance and agriculture research and rural development.

In April 1998, the Agriculture Conference Committee agreed to allocate $816 million (over 5 years) of the funding for the Agricultural Research, Extension and Education Reform Act of 1997. Under the agreement, food stamp benefits would be restored to the elderly and disabled immigrants who were legally in the United States and eligible to receive food stamps before the welfare law was signed in August 1996. It would also restore benefits to children under the age of 18 who were in the country at the time and to certain Hmong refugees. The funding is expected to affect the benefits of about 250,000 legal immigrants in 1999.

Last night, the Rules Committee reported this rule to eliminate the food stamp provisions of the conference report. By eliminating the bill's funding and its restoration of food stamps to legal immigrants would create numerous problems. Striking the food stamp provision would jeopardize the entire bill and kill all the provisions in the bill including agriculture research, crop insurance and rural development. Also, eliminating this provision would strip the bill's programs of their funding and would leave $1.2 billion in spending in the conference report.

I strongly support the restoration of benefits to legal immigrants. The budget agreement and this proposal would restore fairness back into the treatment of legal immigrants and makes the Federal Government responsible for its commitment to support communities that have become the home for a significant number of noncitizens. Many of these residents are taxpayers who deserve to be protected by the same safety net as others enjoy.

I oppose this rule which would not only jeopardize food stamps for legal immigrants, but crop insurance and funding agriculture research as well.

The savings in this measure nearly $2 billion is derived from state administrative costs for the management of the food stamp program, the implication that this measure is not the right vehicle for restoration of food stamps for legal immigrants is ironic in that other measures are added without any relationship to the food stamp program however desirable they may be. Certainly food stamp restoration is appropriate and needed—vote against this unfair rule.

Mr. BISHOP, Mr. Speaker, I rise in strong opposition to this rule.

The carefully crafted compromise reached between research, crop insurance and nutrition groups would have used food stamp administrative savings to fund the dire needs of each of these groups, all of which I represent.

The shame is that if this rule passes, and the House proceeds to destroy the balance that has been reached, the Senate will not accept these changes, as evidenced by its passing of the Conference by 92–8.

As pointed out by my good friends from California, Mr. DOOLEY, and from Texas, Mr. STENHOLM, all the major commodity groups like the National Cotton Council, the National Wheat Growers Association, and the American Farm Bureau Federation recognize the importance of the delicate balance that was reached, and oppose the chicanery which occurred last night in the Rules Committee.

To do through a rule what could not be done in the conference report, is just plain wrong.

Moreover, Food Stamp administrative funding that was used in S. 1150 was a windfall to the states—it was funding they were never counting on getting.

Although the Unfunded Mandates Act technically applies to this provision, it was never

intended to allow the states to have free access to the federal Treasury, and those who served in state legislatures, as I did in Georgia, know what a true unfunded mandate is. This is not an unfunded mandate.

Even with the cost allocation provisions in S. 1150, CBO projects that states will receive more federal funding for Food Stamp administrative costs than they would have received prior to Welfare Reform.

The Agriculture Committee has worked in a bipartisan fashion to redirect its priorities—using Food Stamp money to pay for pressing needs in agriculture like research and crop insurance.

If the bill is killed, vital funds will be lost for agricultural research on pressing livestock and food safety issues. This rule kills the bill, and I therefore urge the House to defeat the rule.

Mr. QUINN. Mr. Speaker, I would like to take this opportunity to express my opposition to the Rule to S. 1150, the Agricultural Research, Extension, and Education Reauthorization Conference Report. Due to family reasons, I was unavoidably detained and therefore unable to cast my vote against this Rule.

I supported the base text of S. 1150 which represents a delicate bipartisan compromise by restoring food stamps funding to legal immigrants, and promoting agricultural research, crop insurance, and rural development. The rule would strike out the food stamp provisions, effectively killing crop insurance and agricultural research as well as food stamps.

Legal immigrants cut off of food stamps are among the poorest and most vulnerable. Over 900,000 legal immigrants, including 150,000 children, have lost food stamp benefits. Another 600,000 citizen children live in households where immigrant adults have lost benefits, thereby reducing the amount of food available to the entire household.

The restorations with regard to food stamps in S. 1150 target the most vulnerable immigrants: elderly and disabled persons; children; refugees who often come to this country with nothing but the clothes on their backs; and Hmong veterans, who fought courageously alongside U.S. military forces in Vietnam.

Private charities are overwhelmed trying to meet increased need for food across the country. The U.S. Conference of Mayors' recent survey found that 75 percent of cities report increased requests from legal immigrants for food assistance. Food banks cite increases of 40 to 70 percent in requests for emergency food assistance. Catholic Charities, the nation's largest private human service organization, reports significant increases in requests for emergency food assistance, severe food shortages in their food banks and pantries, and an inability to meet all food need.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Agriculture Research Bill and against the rule. We need to maintain food stamp provisions in the bill.

I rise in support of the Agriculture research bill because it restores benefits for some of the nation's most vulnerable populations—low-income legal immigrants—many of whom are elderly, children or disabled.

Legal permanent residents are hard working people who earn their money in the U.S., they pay taxes in the U.S. and contribute to the U.S. economy by buying products in the U.S. Like U.S. citizens, legal permanent residents are stakeholders in America who care about the status of our country and should be afforded equal rights in this country.

Given the important contributions that immigrants make to our nation, it is only fair to accord them help when they fall into need. Legal immigrants have to contribute greatly to this country, pay taxes and even register for the draft.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the amendment offered by the gentleman from New York (Mr. SOLOMON).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

PARLIAMENTARY INQUIRY

Mr. SMITH of Oregon. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SMITH of Oregon. Mr. Speaker, I understand this is a vote on the rule, as amended, is that correct?

The SPEAKER pro tempore. The gentleman from Oregon is correct.

The vote was taken by electronic device, and there were—yeas 120, nays 289, answered ''present'' 1, not voting 23, as follows:

[Roll No. 188]

YEAS—120

Archer
Armey
Ballenger
Barr
Bartlett
Barton
Bass
Bilirakis
Bliley
Blunt
Boehner
Bono
Brady (TX)
Burr
Buyer
Camp
Canady
Cannon
Chabot
Coble
Coburn
Collins
Cox
Crane
Cubin
Cunningham
Deal
DeLay
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Fawell
Fowler
Frelinghuysen
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Greenwood
Hastert
Hastings (WA)
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Inglis
Istook
Jenkins
Jones
Kingston
Klug
Knollenberg
Kolbe
Largent
Lewis (KY)
Linder
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Myrick
Neumann
Norwood
Packard
Paul
Paxon
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Smith (TX)
Snowbarger
Solomon
Spence
Stearns
Sununu
Tauzin
Thomas
Tiahrt
Traficant
Wamp
White
Whitfield
Young (FL)

NAYS—289

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Callahan
Calvert
Campbell
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Granger
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastings (FL)
Hayworth
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Souder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thornberry
Thune
Thurman
Tierney
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand

Wise	Woolsey	Yates
Wolf	Wynn	Young (AK)

ANSWERED ''PRESENT''—1

Smith (OR)

NOT VOTING—23

Bateman	Harman	Riggs
Conyers	Johnson, Sam	Skaggs
DeFazio	King (NY)	Stark
Deutsch	Meeks (NY)	Taylor (NC)
Foley	Miller (CA)	Torres
Furse	Parker	Towns
Gonzalez	Quinn	Wicker
Green	Reyes	

□ 1154

Messrs. HYDE, BUNNING, STUMP, BACHUS, WELDON of Florida, RYUN and BEREUTER, and Mrs. LINDA SMITH of Washington changed their vote from ''yea'' to ''nay.''

Messrs. METCALF, PITTS, ENSIGN and MCCOLLUM, and Mrs. BONO and Mrs. FOWLER changed their vote from ''nay'' to ''yea.''

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1200

(Mrs. ROUKEMA asked and was given permission to speak out of order for 2 minutes.)

FAREWELL AND APPRECIATION TO MARY E. ''MEG'' GOETZ, LONG-TIME VALUED EMPLOYEE OF HOUSE OF REPRESENTATIVES

Mrs. ROUKEMA. Mr. Speaker, I want our colleagues to know that this is a very special moment for the House of Representatives. I rise to recognize the dedicated service, a long time of service, I might add, of our Reading Clerk, Mary E. Goetz, known to all of us as Meg.

Meg formerly was a constituent of mine in Glen Rock, New Jersey, but I really got to know her here on the floor of the House for her wonderful, dedicated work. Meg, as she is known, is retiring from the House after a few years of service. We will talk about that later, because I think she really looks much too young to have served here for that long.

But I would like to say that there are two Meg Goetzes that this House knows. The first is the Meg Goetz who is the serious, responsible, dedicated professional who keeps the work of the House going on time and in order. Indeed, in that capacity, she has become literally a folk hero to millions and millions of C-Span viewers. I hear that frequently about Meg.

The second Meg Goetz is the Meg that we know off camera, that her friends and her colleagues and the other professionals and staff know off camera. That Meg Goetz is bright and affable and, yes, dedicated, but has a wonderful sense of humor. I do not know that we will be able to enjoy that today, but there are others here who can repeat some of those stories about Meg's sense of humor.

I would like to tell you that I was really stunned yesterday when I learned, because it was only yesterday that I learned of her decision to retire from this position. I think, like me and probably all of the Members, we thought she was far too young to consider any such retirement. I have to say, as incredible as it may seem, because I know it is incredible to me, Meg Goetz has served 20 years in this Chamber.

I guess she has decided that there must be a life outside of this Chamber. I cannot imagine how she could have decided that. After all, 20 years of daily contact with us, Members of the House, Members of Congress, and all those all night sessions, I cannot imagine why she is looking for another life. But I do think, Meg, you deserve a break. But that is not what is happening here. You know you will be missed, and C-Span viewers will be missing their hero, their folk hero. Members of this House will desperately miss, along with her co-workers, her dedication, professionalism, and her wit.

I have to say that I know she is going on to other very worthwhile endeavors, and we are proud of her for all she has done and all she will do. Meg, I have to put in the name of Glen Rock, New Jersey, our common constituency. Glen Rock is proud of you. As we say in New Jersey, we are all perfect together. Meg, you are perfect together, and we hope to see you back here soon. Thank you so much for all you have done.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I think the gentlewoman consumed about 10 seconds on her presentation, and I will try to be equally brief.

Mr. Speaker, I am very proud and pleased to rise to join my colleague, the gentlewoman from New Jersey, and am rightfully proud of the heritage of Meg Goetz. The viewers on C-Span see the debate, sometimes acrimonious and confrontational, sometimes lacking in civility. Most times they do not see the staff who make it possible to have debates and to keep this institution going.

Too few of us perhaps take the time to realize the contributions that are made by, for the public, probably nameless, and certainly for Meg not faceless, but for some faceless employees, who, day-to-day, week-to-week, month-to-month, year-to-year, through their dedication and commitment make it possible for us to function effectively as the people's House.

Some have been here for many years more than most Members. Meg Goetz is one of those people. She has been here now for over two decades, and as the gentlewoman from New Jersey has said, she has brought to her job a great ability, but as well, a great demeanor. Her character and commitment to this democratic institution have added to its stature, and never, ever detracted from it. Few of us that serve in this body can say that we always did the same.

I want to rise, not on behalf of the Democrats or on behalf of the Democratic leadership, but on behalf, Meg, of all who have served in this body during your tenure. As I am sure my colleague, the gentlewoman from New York (Ms. SLAUGHTER), will observe, and I do not want to steal her thunder, but I think it is so appropriate to recognize, Mr. Speaker, that Meg Goetz is the first woman who has served as a Reading Clerk of this House, appointed by Tip O'Neill.

In doing so, she had, I am sure, a special cognizance of her responsibility to her gender in that capacity. Every woman in America can be proud of their representative, their first representative as our Reading Clerk.

Meg, I know that I speak for all who have served in this body during your tenure, who have enjoyed not only the competency with which you performed your task of informing the House from time to time what the business before the House was, of informing us of the amendments, of the messages from the Senate or from the President; yes, you have performed your duties in a very professional way, but in a very personal way for each of us you have been our friend, our adviser and counselor from time to time when you knew much more about what was going on than we did. And we would ask, Meg, what are we doing? And you always knew.

It is, Meg, sad that you are leaving, but as the gentlewoman from New Jersey has observed, you leave very young with much ahead of you, and I know that you will carry with you the experiences in this House to whatever endeavors you now pursue, and that you will be enriched by those experiences, as you have enriched this institution, this people's House, this center of democracy, not just for America but for the world. It is, Meg, because of people like yourself that this body has functioned so well. Notwithstanding its weaknesses, its foibles, its personal failures from time to time, it is people like yourself who have given it strength, given it judgment, given it balance.

So I am pleased, Meg, to rise with all those with whom you have served to thank you, to thank you for your dedication, and for your service, and for your friendship, and to wish you the very best in everything that you do in the years to come. Godspeed.

Mr. Speaker, I rise today to pay a special tribute to someone who has been part of this institution longer than myself and many of my colleagues.

Although she is not a Member of Congress, her face and name is known to everyone in this chamber, (and to those thousands of adoring fans on C-SPAN).

Mary E. ''Meg'' Goetz, the House Reading Clerk, is leaving us after 20 years of service to the House of Representatives.

Meg is a 1978 political science/economics graduate from Chestnut Hill College in Philadelphia, PA.

She began her career with the United States House of Representatives in 1978 as a legislative information specialist.

In 1981 she became the Assistant Journal Clerk, helping to compile and publish this important publication.

In 1983 she became the House Reading Clerk.

Often seen and often heard, Meg is an active part of the backbone which helps make the institution of Congress function.

From her perch on the dias, she has had a ringside seat on the history of America.

I know that my colleagues join me in wishing Meg the best of luck in her future endeavors.

Ms. SLAUGHTER. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman for yielding. I feel, as I am sure everyone else in the House felt, that I had a very special relationship with Meg. When I first came here 12 years ago, I learned that one of the things that freshmen do is have the great honor of presiding over Special Orders. I took to that, it was a wonderful thing for me to be doing, and made so much easier because of Meg.

I always relished being able to do it early in the week, because Meg Goetz and Paul Hayes and I share a special passion that we have never discussed with anybody on the floor of the House. That is that we are totally devoted to the Sunday New York Times crossword puzzle. So even though the issue of the special order was sometimes grim, sometimes not, we always had a fallback position where we could say, ''Did you get 22 across?''

Meg has been, as everyone said before me, a pillar of strength in this House, and the millions of people in this country who understand how this democracy works and the way she has always conducted herself, with extraordinary decorum and with extraordinarily good judgment, know that a lot of good things about this House are because of the dedication and work that Meg Goetz brought to it.

I envy the people that Meg is going to leave us to work for. They are getting a woman of great character and professionalism and ability, and I look forward to working with her in her new capacity.

But I do want her to know that coming here as a freshman, as everyone else can say, I am sure, as equally well as I, to have the friendship of Meg Goetz to help us over the intricacies and the tough problems, never, never losing patience, always explaining over and over again, if need be, but always there to help us to do the right thing, she was bringing, obviously, to her job the professionalism that she felt, working for the House of Representatives, the United States Congress deserved.

Meg, we shall miss you, and thank you for all of your friendship to me, and thank you on behalf of all of the others here, because I know how much you have meant to each and every one of us. God bless.

Mrs. MORELLA. Mr. Speaker, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, I just wanted to add my thanks, also, and appreciation for all that Meg has done for all of us. She has been a real pillar of perseverance, of patience, when she has been there to witness our deliberations. She has been a rock of stability, and yet always in her quiet, very professional way, has been there to help us in any way that we needed.

So I have always looked to Meg, as other colleagues have, as all my colleagues have, as somebody who is part of the institution and who has made it so very great.

My best wishes to you as you go forward and have a great adventure; and as Shakespeare would say, those about her from her shall learn the perfect ways of honor. Thank you, cheerio, and come back and see us.

Mrs. ROUKEMA. Meg, May I conclude by saying, God bless and Godspeed.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. CALVERT). The Chair lays before the House a privileged Senate concurrent resolution (S. Con. Res. 98) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 98

Resolved by the Senate (the House of Representatives concurring), that when the Senate recesses or adjourns at the close of business on Thursday, May 21, 1998, Friday, May 22, 1998 Saturday May 23, 1998, or Sunday May 24, 1998, pursuant to motion made by the Majority Lender or his designee in accordance with this concurrent resolution, it stand recessed or adjourned until noon on ''Monday, June 1, 1998, or until such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the House adjourns on the legislative day of Friday, May 22, 1998, or Saturday May 23, 1998 pursuant to a motion made by the Majority Leader or this designee in accordance with his concurrent resolution, it stand adjourned until 2:00 p.m. on Wednesday, June 3, 1998, or until noon on the second day after Members are notified to reassemble pursuant to sections of this concurrent resolution, whichever occurs first.

SEC 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the pubic interest shall warrant it.

□ 1215

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2183.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole on the State of the Union for the consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Connecticut (Mr. Gejdenson), each will control 1 hour.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Madam Chairman, I yield myself 8 minutes.

Madam Chairman, as we observed under the rule that was passed, we are beginning a process which is one of the more open processes in the history of the House of Representatives. In the area of campaign reform, we have an underlying bill, and we have 10 substitutes that will be made in order.

In addition to that, there will be amendments that would be perfecting amendments that will be made in order to those substitutes. It begins to sound as though it could be a very confusing and difficult process.

What Members need to know is that we have already shrunk the potential amendments from almost 600 to closer to 300. Now, 300 is still a rather ominous sounding number and, as we begin to prepare and structure those amendments, I think we will find that they will shrink even more.

But to try to assist Members, ''You do not know the players without a program,'' as they say in sports, The Congressional Research Service is in the final hours of preparing a document which I think will prove invaluable to Members. It will provide, for example, a quick glance, in terms of a checkoff procedure, indicating which general areas each particular substitute involves itself. For example, does it deal with spending or benefits limits, political action committees? What does it do with individuals, parties, candidates,

in-State contributions limits or not, independent expenditures, et cetera?

After it does the checkoff, so that you can do a quick analysis, it will go into more detailed tables taking those checks and turning them into statements as to what that particular bill does vis-a-vis the other bills. Then, finally, in the back as a constant resource it provides a summary of the amendments in chronological order so that Members can read in greater detail what each particular substitute would do.

What I want to do for just a couple of minutes at the beginning is to back away from any particular measures that we are looking at and get Members to focus on the fact that we have been here before. That is, in 1971, the Congress passed the Federal Election Campaign Act. It has had subsequent amendments, but the basic bill was subjected to a court review in 1976 called Buckley v. Valeo. Once again, rather than going into particular details, take a step back and focus on the basics that the court dealt with.

One of the basics that the court dealt with in Buckley v. Valeo that I think we should take into recognition as we examine the alternatives in front of us is that the court examined the various provisions of that legislation and said some were constitutional and some were unconstitutional.

For example, on the contribution limit area, they thought it was appropriate to have limits because corruption or the appearance of corruption was closely tied or at least the appearance was closely tied to money that was given to candidates. However, on the other end, the expenditure of those funds did not have that close tie to corruption or the appearance of corruption so the court struck the limits that had been placed in the legislation on expenditures. So the court went through and examined particular areas using its criteria and said, this is constitutional or this is not constitutional.

Now, the key to the court being able to do that was a severability clause in the legislation. What we wound up with was a crazy quilt that did not fit any kind of a structured pattern for orderly campaign reform. I would urge my colleagues, one of the things that they should do in examining the proposed alternatives is to take a look and see whether or not it has a severability clause.

We ought not go down the same road that we have been down. We should not have a comprehensive piece of legislation in which the court can examine it and say, this is constitutional but this is not. That is lined up with the crazy quilt pattern that does not make sense. We have lived with that procedure for the last 25 years.

I will provide for Members and remind them, as we go through this process, which of the basic substitutes have a severability clause and which do not. From my perspective, those substitutes that do not have a severability clause are preferable. Why? Because if the Congress votes for a comprehensive reform and the court says a portion of it is unconstitutional, it allows the Congress to revisit the area and put together an overall comprehensive, coordinated plan. If one of the substitutes has a severability clause, we are right back into the crazy quilt, court-dictated this and that, when it does not fit.

The Shays-Meehan bill has a severability clause. The Farr proposal has a severability clause. The Tierney alternative has a severability clause. One of the major substitutes that does not have a severability clause is the Hutchinson Freshman bill.

The second provision that I think we have to examine is the criteria the court used to rule various provisions unconstitutional. It was primarily first amendment fundamental freedoms.

Six years ago, 10 years ago the primary threat to the American Republic were political action committees. If we did not do away with political action committees, the Republic was to be threatened. It is interesting how few of the major substitutes talk about doing away with political action committees.

The court said, people have a fundamental first amendment right to assembly.

Today we are talking about something called ''soft money.'' The question is whether or not the court will continue to maintain its position as to whether or not people have a fundamental first amendment right to spend their own money as they see fit.

So when Members look at these various substitutes, look at, in the general sense, whether or not they contain provisions that in all likelihood will be struck down by the court under the argument of fundamental first amendment freedoms and if the same substitute has a severability clause, which means inevitably the court will strike a portion and other portions will remain. That is what we have been under through the last 25 years.

Please, do not subject us to that. Look at the substance. Does it clearly appear in the history of the court's decisionmaking around the first amendment to be a fundamental violation, notwithstanding your desire to do it? Then does it have a severability clause. These two tests, I think, will guide this House into making the best possible decision. If we want reform and we move reform, will that reform stick?

Madam Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Madam Chairman, I yield myself 6 minutes.

Madam Chairman, we are here today and we are frankly surprised, some of my Democratic colleagues, because many of my Democratic colleagues said to me over and over again that this present leadership was shameless, that you could not shame them into doing the right thing. And here we are. We are wrong. At least we are having a debate.

It took us a number of attempts, the election of some Members in the middle of the session that finally brought the signatures with virtually every Democrat and about a handful of Republicans signing a petition to bring the bills to the floor directly that finally got the Republican leadership, with editorial after editorial condemning them, to at least give us a chance to debate.

In the theater they say, sometimes life imitates theater. Let us hope that this show, this attempt to appear to engage the campaign finance reform process, could lead to reality, because if we can pass a bill from this Chamber and send it back to the Senate, it may just put the pressure on the Senate to be able to break that filibuster.

We do have fundamental differences, our two parties. If you asked the Speaker of the House, the gentleman from Georgia (Mr. GINGRICH) about poor people, he would say, we are spending too much money on them. If he talks about education, he says, there is too much money being spent on it.

But, lo and behold, when it comes to campaigns, the Speaker of the House says, One of the great myths of modern politics is that campaigns are too expensive. The political process is in fact underfunded.

It is not overfunded.

I think he or one of his colleagues later said that all this money rushing into campaigns from every possible direction was a sign of political vigor. Well, let us see what the results are. Let us take a look at what has happened to American participation as the expenditures have exploded.

When we were spending the least, we had the highest percentage of votes. In the 1960s, we were getting as high as 63 percent of the American people participating in the political process. As we spend billions today, we are under 50 percent participation in this political process. It is just simply wrong to argue that increased funding has somehow invigorated this political process.

There is a difference between the two parties. I think the Republican history on this issue has been consistent with their fundamental beliefs. They have tried at every opportunity to rig this system so wealthy, powerful people in this country get additional advantage.

If you hear their debates, I followed two down the hall the other day where one said, Can we have real reform and increase the amount people can give? That sure helps the average citizen, being able to contribute more money. Fifty thousand is not enough. What do you want to raise it to?

I think the problem with the political system is these large dollars intimidate the average citizen and send them a message that they do not count in the political process and that is why they are not showing up at the polls.

What is the question here? The question is, what is reform? Sometimes I think we should, like the French, have

language police, although not striking words from other countries, prevent people from misusing or at least abusing the English language.

The other side would tell us that reform is increasing the amount of money that really rich people can give. If there is anybody in this Chamber who believes that the rich, the wealthy and the powerful do not have enough access to this institution, they have been on some other planet recently.

Our job here is to make sure that average citizens feel like this democracy is theirs. I would hope we can do better than even the bills before us, but the legislative process is about choices. McCain-Feingold in this House, under the leadership of the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) is the only bill that really sends that message, the only one that will put pressure on the Senate. It is not the bill I would choose in perfection, but that is the easy game politically.

You can walk in here and pick everything but the prayer and say, well, I liked it, but you know there is always something better out there. Let us try to do something better, but let us do this first.

Let me tell you where we are today. The Republicans' proposals send this great Nation in the wrong direction. We have taken a country based on the principles in the Magna Carta that gave power to nobility against the king. When our Founding Fathers founded this country, they gave power to white men who own property, not to women; blacks had to own twice as much property to be able to vote. Now we just want to make it the wealthy.

I love this institution. I do not like to see charges of corruption against it. I could read a list for an hour here about illegal contributions by the Republicans. The Republicans have spent all their time damning the President for the last campaign.

Let us stop the rhetoric. Let us do something about it. Vote for the proposal that will go to the Senate that already has a majority of the Senate votes behind it, and our vote here can push for those several votes we need to break the Senate filibuster. Let us pass McCain-Feingold here in the House. Let us pass that bill and begin the process of rebuilding confidence in the American political system.

□ 1230

Mr. THOMAS. Madam Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Madam Chairman, I want to thank the gentleman for yielding me this time.

Last evening we began one of the most important debates of this session. We often gather in this Chamber to promote democracy and free elections around the world, yet our own constituents are very concerned about how democracy works in this country, and I share their concerns.

My work on the Committee on Government Reform and Oversight has further convinced me of the need for campaign finance reform. While many of the abuses we are investigating are illegal, many are legal because of the soft money loophole. We must enact reform to prevent such abuses in the future.

Attorney General Janet Reno's responses to my questions during a hearing on December 9, 1997, confirmed that the soft money loophole has weakened the campaign finance laws that prohibit contributions from business corporations and labor unions, prohibit contributions made by foreign nationals in connection with an election to any political office and that require disclosure.

At that hearing, the Attorney General expressed her desire to work with the Congress to reform campaign finance laws. It is past time to make that happen.

Campaign finance abuse is a bipartisan problem that requires a bipartisan solution. For reformers, getting to this point has been a victory in and of itself. We would not be here without the drive of the bipartisan group of pro-reform Members, the pleas of our constituents and the discharge petition.

But our work has just begun. Until we pass real reform to eliminate the scourge of unregulated soft money and the influence of special interests, our constituents will continue to believe that money has more influence on the electoral and legislative process than their own votes and views.

When I say we must pass real reform I am referring to the Shays-Meehan bill. I feel that the many substitutes before us will allow some Members to hide behind phony reforms. The Shays-Meehan bill is our best opportunity.

During the debate, we are going to hear many arguments for and against many bills, but to support true reform, I encourage all of us to stand up and be counted in support of Shays-Meehan.

Ms. KILPATRICK. Madam Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Chairman, I thank the gentlewoman for yielding me this time, and I rise to some degree to lament and to another degree to urge us to come to grips with this issue.

I rise to lament this procedure which I think does not do what ultimately we must do. And what ultimately we must do is to restore the confidence of the American public in their system of electing public officials, whether at the Federal level, at the State level or at the local level.

Like some of my colleagues, I have been involved in politics for a long time, having first been elected to the Maryland State Senate in 1966. During that period of time that I served the State Senate 12 years, I voted on a number of campaign finance reforms. I was not here in Congress in 1974 when we adopted the far-reaching campaign finance reform regime and which, as the gentleman from California said, essentially exists today.

I want to congratulate the gentleman from Arkansas, the gentleman from Massachusetts (Mr. MEEHAN), the gentleman from California (Mr. FARR), and the ranking member of our committee, the gentleman from Connecticut (Mr. GEJDENSON), for the untiring and long-term work that they have undertaken on behalf of campaign finance reform.

I also want to congratulate the gentleman from Kentucky (Mr. BAESLER) for his leadership on this issue. It was his focus, his discharge petition, and the disciplined approach that he took that, frankly, got us to this place.

I will make a much more detailed, expansive discussion of campaign finance reform and my views of the specifics of those reforms when we return. It is, however, my hope that we will not add to the cynicism of our citizens by the course of this debate. Because if we do so, we will have served them poorly.

If what we do is a political game, if what we do is beat our chests and say, on the one hand, the first amendment demands that we do not intrude in trying to make our elections more honest, more fair, more open, we will have not served the public well, nor will we have served our democracy well. If, on the other hand, what we do is play a political game where amendments fly across the field of battle and ultimately we pass no reform, we will have undermined the confidence of the public.

My colleagues on both sides of the aisle, let us be real, let us do our duty, and let us restore the confidence of the American public in their democracy.

Mr. THOMAS. Madam Chairman, I yield 4 minutes to the gentleman from California (Mr. DOOLITTLE), someone who has had a refreshing approach to campaign reform. And anyone who is concerned about foreign contributions, they know all we really need to do is enforce current law.

(Mr. DOOLITTLE asked and was given permission to revise and extend his remarks.)

Mr. DOOLITTLE. Madam Chairman, make no mistake about it, at the heart of this debate on campaign reform is our right as American citizens to freely engage in political speech, a right which is guaranteed to us under the first amendment of the Constitution.

Throughout the course of this debate the big government campaign reformers will be trying to tell us that unconstitutional government regulations are needed because they believe money is evil and that it is corrupting our political system. These people look at America as a seething cauldron of unseemly interests who debase the political process.

Many colleagues, on the other hand, take the approach that James Madison

did. James Madison, the author of the first amendment, understood that America would be a cauldron of special interests, but special interests, in Madison's view, would be people who would be guaranteed a right to have some influence. Madison anticipated, expected and deemed it necessary that in a republic people must have influence.

The campaign finance regulators would like us to believe political giving is inherently corrupt. But, in fact, participating in the political process is not merely desirable, it is guaranteed by the Constitution. The Supreme Court has made it abundantly clear that the Constitution allows political parties or any group of Americans to spend unlimited amounts on political speech.

What the Court has said is that the constitutional right to free speech is moot unless we have the right to amplify our voice above the din, particularly in a country of 270 million people.

The Court correctly declared, in the landmark Buckley decision of 1976, that political spending is speech. Listen closely to the Court's words in Buckley:

> The first amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive or unwise. In a free society ordained by the Constitution it is not the government, but the people, individually as citizens and candidates and collectively as associations and political committees, who must retain control over the quantity and range of debate on public issues in a political campaign.

This decision means that the first amendment does not allow the government through some statute we pass here to be put in charge of regulating either the quality or the quantity of political speech.

The Supreme Court made it clear that the government does not have the authority to decide between worthy and unworthy speech. The first amendment does not allow Congress the latitude to categorize certain kinds of speech as offensive and other kinds as laudable. That issue, Madam Chairman, is at the core of this debate.

Another Founding Father, Thomas Jefferson, understood that in a free society the people should be empowered to make decisions without interference from the State.

Madam Chairman, I believe we do need to change our flawed campaign finance laws. The problems we endure today are due primarily to government regulation of campaign financing. True campaign reform should honor the first amendment by expanding participation in our republic and by enhancing political discourse. Unfortunately, most of the measures we will be debating advocate greater government regulation which will continue to worsen the current problem.

Ms. KILPATRICK. Madam Chairman, I yield myself 2 minutes.

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Madam Chairman, as a member of the committee, Madam Chairman, who heard much of the testimony on the campaign finance reform legislation we are discussing today, I am very happy that we have finally come to this point where we can have some debate and open the process so that everyone who feels very strongly about this topic can have their opportunity to speak.

Real campaign finance reform has to speak to the needs of the American citizens. What we have heard from some of our speakers already, and what we know from the tallies that have come in from across America, is that American citizens are not voting. And they are not voting for a number of reasons, one of which I contend is they feel their vote does not count; that there is too much money in the system, and that their $20, $30, $50 donations will not be accepted in a way where their votes can be heard.

So I am happy today that we are discussing campaign finance reform and that real campaign finance reform has three elements: It bans soft money, it requires full disclosure from those who give money, and cleans up third-party expenditures so that special interest groups do not control the political process.

I hope as we continue this debate today that we will keep that in mind. American citizens want to participate in their government. It is our responsibility to see that we make it possible that they do that. Banning soft money, requiring full disclosure and cleaning up third-party interests that control and dominate our politics will make Americans feel that this government is theirs again.

The House Oversight Committee has heard testimony from over 40 members of Congress, and listened to over 20 hours of earnest, bipartisan testimony on an issue that affects all of us: campaign finance reform. While we might disagree over the shape, form, or function that much-needed campaign finance reform must take, we all agree that this effort should not be done in such a manner as to be unfair, unjust, or unwise. Along with a majority of my colleagues, we rejected earlier, bogus attempts that brought up this most worthy debate under the most unworthy of circumstances. While I am glad to say that we are having debate on campaign finance reform, it is still a skewed debate. We will not have any votes on campaign finance reform before the end of May, as the Speaker promised. We will debate eleven separate bills, all with amendments. This is onerous, burdensome and illogical, and is a significant and severe disservice to the American people.

As a Member of the House Oversight Committee, I specifically did not co-sponsor any campaign finance reform bill, with the exception of the bill that would establish a commission to decide what shape and form campaign finance reform should take. During this debate, it is vital that we remember one important aspect: we are considering campaign finance reform, not campaign reform. This debate should not denigrate into a discussion of non-germane or ballot integrity issues. We dealt with many of these issues during the discussion of Congresswoman LORETTA SANCHEZ's election earlier this year.

Real campaign finance reform does three things: it bans soft money; it requires full disclosure of contributors, and it cleans up expenditures from special interest groups. We need to restore the faith of the American people in our system of government. We need to ensure the accountability of those who participate in and contribute to candidates. We need campaign finance reform. Real campaign finance reform limits the amount of money in elections. Real campaign finance reform reduces the role of special interests in campaigns. Real campaign finance reform restores the faith of the American people in our system of government.

Real campaign finance reform does not limit the rights of workers to participate in our political process. Real campaign finance reform does not limit the hard-won voting rights of minorities. Real campaign finance reform does not make it more difficult for citizens to register to vote, find out who is funding a campaign or cut fiscal support for the Federal Elections Commission.

Before I was elected to this august body, I served as a Michigan State Representative. As such, I fought, and still fight, for the right of everyday citizens, the disenfranchised, and the powerless to participate in our process of government. By limiting the ability of people, through fostering mistrust in our system of government, people will not vote. We hinder, not help, the Constitution that we have all sworn to defend and protect.

Madam Chairman, I reserve the balance of my time.

Mr. THOMAS. Madam Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Madam Chairman, campaign reform is the most pressing democratic issue facing the Nation. In politics as in sports, how the game is played matters. A government of the people, by the people, and for the people cannot be a government where influence is disproportionately wrought by those with large campaign war chests.

Lord Acton once wrote that power corrupts and absolute power tends to corrupt absolutely. A fitting corollary to the Acton dictum is the precept that even more bedeviling than aspiring to power is fear of losing it.

The current system is an incumbent-based political monopoly that rewards those who accommodate rather than stand up to interest groups. Campaign reform is about empowering citizens rather than influence peddlers. It is the equivalent of applying the antitrust laws to the political parties. It should be advanced.

In this regard, there are a number of thoughtful approaches that will be brought to the floor in this debate. My preference is for the Shays-Meehan bill, but I acknowledge that it has flaws, the biggest of which is it does

not go far enough. I would have preferred it to be accompanied by spending limits and greater restraints on political action committees, the so-called PACs.

Nevertheless, I think Shays-Meehan is probably the most that can be achieved this year, and I am hopeful it, or something near it, will be the final product.

Ms. KILPATRICK. Madam Chairman, I yield 4 minutes to the gentleman from Kentucky (Mr. BAESLER).

Mr. BAESLER. Madam Chairman, I am pleased that the Blue Dog discharge petition had something to do with us getting to this point, and I am pleased we are now beginning to discuss campaign finance reform.

I think the debate boils down to a couple of things: Will we ban soft money? And will we make sure that everybody in America, and in all elections, know where all money involved in campaigns comes from?

□ 1245

I believe the soft money sets the agenda for Congress, and I think that is wrong. I believe when people participate in the election process by independent expenditures and other expenditures, it is important that everybody in the country involved knows where that money comes from. There is no justification for people participating in the election process with money and nobody knows who the source is or what they represent.

I am not the first Kentuckian to speak on this. In fact, the person who held my seat 150 years ago, Henry Clay, said, ''Government is a trust, and the officers of the government are trustees.''

By contrast, some of my Kentucky colleagues and other nonreformers believe they are trustees of the soft money system. They are using the tactics that we have seen all along: delay, distract, distort, and do little.

As a Kentuckian, I feel obliged to answer these distortions. First, the Kentucky anti-reformers claim a soft money ban violates the First Amendment and is unconstitutional. I urge them to reread Buckley v. Valeo, where the Supreme Court said, ''. . . limiting corruption provides a constitutionally sufficient justification for contribution limits. The integrity of democracy is undermined to the extent that contributions are quid pro quos . . .''

They should also reread the Colorado decision, where the court said, ''Congress might decide to change the contribution limits to parties if it concludes the potential for evasion of contribution limits was a serious matter.'' And I think we all know it is a serious matter.

The First Amendment protects speech. It does not protect corruption.

Next, the Kentucky anti-reformers say we do not need new laws, we just need to enforce the ones we have. But that ignores the fact there are no laws to enforce on illegal soft money here to our parties. Soft money fund-raising by Democrats and by Republicans is legal. And soft money contributions, including the soft money contributions made by Loral Space Communications and others throughout the past several months, are legal. There are no laws on the books to enforce this.

The Kentucky anti-reformers will say that the Supreme Court says that money is speech, that that is their direct quote. I defy any anti-reformer to show me in Buckley v. Valeo where it says money is speech. They will not be able to because the Supreme Court never made that exact quote.

Next, the Kentucky anti-reformers will try to change the subject with non sequiturs like, ''Americans spend more on junk food than they do on campaigns.'' That is ridiculous and totally irrelevant.

The point is that the President of any party, whoever might be President, the chairmen of the finance committees of both parties of the Senate and the House, congressional campaign committees and all ask for much money. And the question is, are there political favors given in return? If there are, it is wrong.

I do not think it is any coincidence that after we pass the telecommunications bill, hundreds of thousands of dollars are given to both parties by telecommunications folks. I do not think it is any coincidence that after we deregulate cable, hundreds of thousands of dollars are given to both parties by cable interests.

One Kentucky anti-reformer even said recently that soft money is not evil, to which I said, what about the tobacco-manufactured tax credit that slipped into the budget last year, the hue and cry that came, and we had to take it out? What did actually kill the drunk driving amendment?

We have to do something. To do nothing is irresponsible.

Mr. THOMAS. Madam Chairman, I yield 8 minutes to the gentleman from Arkansas (Mr. HUTCHINSON) who is one of the principal sponsors, along with a number of other freshmen, including the gentleman from Maine (Mr. ALLEN) of the underlying legislation upon which we will be conducting our examination of campaign reform.

(Mr. HUTCHINSON asked and was given permission to revise and extend his remarks.)

Mr. HUTCHINSON. Madam Chairman, I want to thank the gentleman from California (Mr. THOMAS) for yielding me the time and for his outstanding leadership on this issue and also for his personal guidance to me as I have gone through this process.

Madam Chairman, campaign finance reform can be a complex and confusing issue. But the public always has a way of making common sense out of nonsense in Washington. To the public, this issue boils down to the meaning of democracy. To them, democracy is being changed in Washington from the people rule to big money governs.

Last night, and even earlier today, we heard from the gentleman from California that the First Amendment has something to do with this; and certainly it does. But the public can see through the misinformation campaign about the Constitution and the First Amendment.

Just a few moments ago the gentleman from California (Mr. DOOLITTLE) referred to the Buckley v. Valeo decision that provides that political spending is free speech. But that same decision says, by the United States Supreme Court, that contribution limits are in accordance with the First Amendment and do not violate the First Amendment.

By claiming to argue for free speech, the opponents of reform are cynically attempting to make sure that big money not only talks but it screams. The opponents pretend to use free speech to protect the millions of dollars in soft money that have become literally an addiction in Washington, and they wanted to give the multinational corporations a voice in our democracy that so dominates the political system that the individual voter is reduced to a lonely cry in the wilderness. What about their free speech?

Despite the smoke and mirrors, Madam Chairman, the debate today is a clear one. Are we in Congress going to represent individual Americans, or are we going to represent big money? Are we going to empower individuals and return politics to the people, or are we going to create more cynicism?

I believe that we should fight for the individual, and that is why I support the freshman bill. I believe the freshman bill empowers individuals so that their voices can be heard in Washington even above the din of special interests. And most importantly, the freshman bill protects the Constitution and free speech but it gives a greater voice to the individuals in our political process and it does this in three ways.

First of all, the freshman bill restrains the uncontrolled excesses of big-money interests and labor unions by banning soft money, the millions of dollars that flow from these groups into our national parties. As we can see from this chart, the 1996 election cycle, $138 million, $123 million in soft money going to our national parties, such a dramatic increase from what it was previously. And it will only go up.

Secondly, the bill strengthens individuals' voices by increasing the amount that individuals and PACs can give and by indexing contribution limits to inflation. Ours is the only bill that does that among all of them, that empowers the individuals in that way.

Thirdly, it provides information to the public by giving individuals and the media information about who is spending money and who is trying to influence the campaigns.

Madam Chairman, the freshman bill has been criticized by extremists on both sides of this debate. On the one hand, there are those who claim that

this bill goes too far and should not ban soft money. On the other hand, there are those who claim this bill does not go far enough and is not real reform.

I am not sure we could have asked for a better compliment. The opposition from both extremes suggests that the freshman task force has succeeded in producing a balanced and fair bill that does not tip the scales in favor of one faction or another or one party or another.

When the freshman task force got together 13 months ago at the beginning of this Congress, we laid out a few goals that we tried to stick with. First of all, we tried to remove the extremes, the poison pills from the bill so that we do not scuttle it. We wanted to have a rose garden strategy that legislation could actually get and be signed by the President.

After five months we came up with a proposal and we have stuck with it. Despite the pressure of special interest groups to change this bipartisan product, we have stuck with it. It has not been tinkered with by different factions that would destroy the balance in the bill. And it is growing.

As my colleagues can see, the campaign finance bill is the best, experts agree, because it does not violate the Constitution and it represents substantial reform. And that is what we need. We have 78 cosponsors from both sides of the aisle. It is truly bipartisan in nature, and it is growing.

Teddy Roosevelt, one of the great reform presidents in America, said that he would rather work with individuals who take two steps forward today rather than theorize about taking 200 steps forward in the indeterminate future. And he had a distinguished record of achieving reform. He had the right idea. And we have had more than 20 years of chest beating about campaign finance reform that has led nowhere, no real reform. We need a bill that can pass.

Besides having a strategy that the bill would pass, we also had a Supreme Court strategy. It is not good enough to get a bill passed by this House and signed by the President, it has got to survive constitutional scrutiny.

We set out with the express purpose of drafting a bill that would protect the First Amendment while empowering individuals. We consulted legal scholars and experts and other Members of Congress, and the result is a bill that will survive that scrutiny. It is constitutional. It is substantive. It is real reform. The freshman bill meets the concerns of constitutional scholars by avoiding the traps of other reform bills.

There are some groups out there, the third groups, that say that our bill does something harmful to keep third parties from getting their message out. We should be concerned about that. But let me tell my colleagues what our bill does and, more importantly, let me tell my colleagues what it does not.

Our bill does not restrict the amount of money that can be spent by third parties. It does not restrict the source of the money or require disclosure of individual donors. Is that not important? That sticks with the Constitution, and that is the freshman bill. It does not restrict the tradition of anonymous pamphleteering. It does federalize state elections. In short, it does not trample upon the Constitution.

The freshman bill is simple, and in this town, being simple and straightforward confuses a lot of people. But let me explain this bill bans soft money, it requires disclosure and information to the people, and it empowers individuals. That is simple but it is significant and it is substantial.

Finally, let my say to all my colleagues in Congress, the scripture says the sons of Samuel who governed Israel did not walk in their father's ways. But instead, they turned aside after money and in doing so perverted justice. And because they perverted justice in the name of money, the people of Israel looked for new leaders.

And clearly the American people perceive that justice and democracy in America is being perverted in the name of big money. If we do not change that system in this body, then the people will look for new leaders. Let us not fail the American people. Let us take advantage of this opportunity and pass the freshman bill, the bipartisan campaign integrity act.

Ms. KILPATRICK. Madam Chairman, I yield 12 minutes to the gentleman from Massachusetts (Mr. MEEHAN) who has one of the most popular bills and certainly a bipartisan bill.

Mr. MEEHAN. Madam Chairman, late last night the House embarked on what will prove to be a historic debate on campaign finance reform.

Over the next few weeks, we will have the opportunity to truly strengthen our democracy and respond to the 72 percent of Americans who say that there is too much money in American politics. Most importantly, this debate will clearly identify those Members who support real bipartisan reform by a vote for the Shays/Meehan bill from those who are tied to the status quo.

It is a fact that undisclosed money is overwhelming our current election system. The most effective way to solve the problem is to ban soft money, the huge sums given by corporations, interest groups and labor unions. These unregulated contributions are at the heart of nearly every single investigation that the majority party has focused on this year.

The other problem with our current system is the proliferation of campaign ads masquerading as issue ads in congressional races all across the country. According to a report published by the Annenberg Public Policy Center and the Pew Charitable Trust, more than two dozen organizations engaged in campaign advertising during the 1995–1996 election cycle, but because they called their campaign ads issue advocacy, they did not play by our campaign rules. As a result, nearly $150 million worth of these ads, a third of what all candidates nationwide spent themselves, went undisclosed. Nobody knew where the money came from.

The Shays/Meehan bill addresses both of these issues. Some of my colleagues have suggested that in order to pass campaign finance reform, that the gentleman from Connecticut (Mr. SHAYS) and I should modify our original legislation to garner additional support. However, it is important to remember that this legislation is already a product of compromise.

□ 1300

Unlike our original bill, H.R. 3526 does not have voluntary spending limits, nor does it include incentives to abide by such limits like low-cost TV time or free mailings. Moreover, it does not include any change in PAC limits.

At the same time, the bill does include new provisions to deal with the recent abuses of our campaign system, including a clarification of the law forbidding fund-raising on government property and a strengthened foreign money ban.

Our legislation has six primary components: first is a ban, a complete ban on soft money; second, a clarification of what constitutes campaign advertisement; third, increased disclosure and enforcement; fourth, a ban on all fund-raising on government property; fifth, a personal wealth option; sixth, codification of the Beck decision.

In short, the Shays-Meehan bill will end the soft money system, and address the growing problem of sham issue ads in Federal elections. It will increase disclosure of political contributions and expenditures, because, frankly, the public has a right to know.

Finally, our measure will give the Federal Election Commission the teeth it needs to enforce existing law.

In closing, I would like to take a moment to address the First Amendment implications of this legislation. In the coming weeks, I look forward to engaging in a constructive debate over the nature of the First Amendment doctrine in Federal election laws. Such a debate is important.

But there are some Members who raise this issue in good faith, but I want to warn the American people that there are Members who are falsely raising constitutional concerns, because they oppose reform and support the status quo.

The bottom line is clear, next month the Congress will have a historic opportunity to make a real difference in the way this institution is perceived by the people who have elected us. We will have a chance to take a step away from the well-heeled special interest and take a step towards restoring the one voice/one vote principle upon which this country was founded. I urge all of my colleagues to take a stand for reform and support the Shays-Meehan bill.

Let me address a couple of other issues, Madam Chairman, if I may. It has been raised that somehow this bill lacks the constitutional basis because there is spending limits. It does not include spending limits. There is some who say that we cannot outlaw PAC spending. It does not outlaw PAC spending. Shays-Meehan does not ban bundling. There is no free air time in this legislation. I think it is important as we discuss the facts to keep that in mind.

Madam Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. BARRETT), my colleague who has been fighting for reform since he arrived in this institution.

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. MEEHAN) will control the time.

There was no objection.

Mr. BARRETT of Wisconsin. Madam Chairman, I am proud to be a cosponsor of the Shays-Meehan bill, because I think it addresses one of the most important issues we face as a Nation and an issue that is important for the future of this Nation.

Each year, the Pew Research Center does an analysis and a survey of young people in our country, and it asks young people 18, 19 years old what they are interested in for their future. It talked about their job aspirations, their education aspirations, their dreams.

Each year, it has a question asking how interested they are in our political process and in government. Each year, we have seen different results. But this year, we have the lowest interest among 18 and 19-year-old people in this country in government, in politics, and in public policy than we have had in the last 30 years.

There is a reason for that. The reason for that is that young people, in particular, feel disconnected from the system. They feel that this is a pay-as-you-go system. Unless they have money to get involved in this political process, they cannot be part of it.

For a democracy, that is the worst possible thing that can happen. We have to have young people who believe in the system. If the young people in this country feel that the only people who can get involved in government are people who have a lot of money, that is bad for democracy. That is bad for this country.

This bill, although not perfect, tries to take a serious attempt at correcting some of the problems. It tries to get rid of the soft money. It tries to make sure that the issue advocacy ads that are so prevalent have at least some responsibility.

There has been a lot of talk in this Chamber the last couple of days about foreign influence, about money coming into this country. But one of the things that we have not heard is that this bill actually deals with that problem, because we cannot have foreign influence coming and buying issue advocacy ads under this bill. But under the current law, we can.

I think, if we are concerned about the integrity of the system, we have to ensure that we do not allow any type of foreign influence to come in and buy issue advocacy ads.

So I think that this bill is even more important today than it was 3 weeks ago. What we should be doing is we should be moving forward with this bill, not only for the people who vote now, but for the young people in this country.

Mr. MEEHAN. Madam Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) has 4½ minutes remaining.

Mr. MEEHAN. Madam Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), my colleague who has been our partner in this effort to find bipartisan, bicameral campaign finance reform.

Mr. WAMP. Madam Chairman, I thank the gentleman for yielding to me.

Madam Chairman, we have heard it said, the love of money is the root of evil. I will tell my colleagues what Tennesseans say to me when I go back home; and that is, the political parties seem to be addicted to money, both political parties. Too many mailings. Some constituents tell me they have five or six pieces of mail in a single day in their mailbox. They cannot even find the legitimate mail in all the solicitations. It is out of control. Too much money. Not that we can restrict it or that we should restrict it, but that they are too driven by the love of money, and money is power.

Unlimited, unregulated soft money must be contained. I particularly find egregious the influences of tobacco, alcohol, and gambling. Tobacco soft money, $30 million over the last several years to the political parties, including $100,000 this month in a single payment to one of the political parties.

Alcohol, $26 million over the last several years to the political parties. We know what that money is for.

Gambling is the new kid on the block, but they are catching up quick. It is a growing industry. They are going to try to buy influence in the United States Congress.

I do not want my children's future to be dictated on the influences of alcohol, tobacco, and gambling soft money which is unregulated and unlimited to the political parties.

This open debate is good. I commend our leadership for bringing it up, for even extending the debate so that we can use this House to debate this issue. We are going to have two options, all the way from the proposal of the gentleman from California (Mr. DOOLITTLE) to go back to the way things were before Watergate, and, frankly, there is an intellectual argument that needs to be made about how much better things were before this system came into being, or we can try to fix this system, which I think is practical.

We have got some good options, the freshman bill, Shays-Meehan. But we can fix this system, and I appreciate the debate.

Mr. MEEHAN. Madam Chairman, may I inquire how much time is remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) has 2½ minutes remaining.

Mr. MEEHAN. Madam Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS), a new Member of this institution who took the House seat of her husband, who signed onto the Shays-Meehan bill as the first bill that she signed onto.

Mrs. CAPPS. Madam Chairman, I commend my colleagues in the freshman class, especially the gentleman from Maine (Mr. ALLEN) and the gentleman from Arkansas (Mr. HUTCHINSON), for their hard work on their bill.

My husband, Walter Capps, cosponsored this bill. Without the freshman effort, I do not believe we would be here today.

But I am fresh off the campaign trail, and I have seen how our elections today are being manipulated by outside groups who flood the airwaves with unregulated air ads that are clearly aimed at defeating or electing Federal candidates.

These ads feature a candidate's face, name, and record. They air just before the election. Who are we fooling? They are just like other campaign ads and should be funded with fully disclosed, limited contributions from legitimate sources.

These single issues are all across the political spectrum. They affect everyone in the contested race, Democrat and Republican.

I stand in strong support of the bipartisan Shays-Meehan bill because it contains the cornerstone of serious campaign reform. The bill will ensure that these phony issue ads are brought under the same restrictions as any other campaign ads.

Let us plug the giant issue advocacy loophole. Let us pay attention to our constituents who are frustrated and disillusioned by the onslaught of ads in our campaigns which are funded by outside interest groups, undisclosed, unlimited.

Pass real reform. Support the Shays-Meehan bill. It is in the interest of all of us, of everyone.

Mr. MEEHAN. Madam Chairman, I yield the balance of my time to the gentleman from Connecticut (Mr. SHAYS), who has been fighting for campaign finance reform over the last few years and has been a real leader in this institution in fighting for campaign finance reform.

Mr. THOMAS. Madam Chairman, how much time does the gentleman from Massachusetts (Mr. MEEHAN) have remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) has 1 minute remaining.

Mr. THOMAS. Madam Chairman, I yield an additional 2 minutes to the

gentleman from Connecticut (Mr. SHAYS).

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) is recognized for 3 minutes.

Mr. SHAYS. Madam Chairman, as I was listening to this debate and looking out and hearing the gentleman from Iowa (Mr. LEACH) speak about campaign finance reform, I think of how hard a leader he has been over so many years.

This is not a new issue. We have been debating it for a long time. I think of the gentleman from California (Mr. THOMAS) and what a leader he has been on campaign finance reform. So we have been fighting for reform on this side of the aisle.

I turn and think of all the people on the Democrat side of the aisle as well who have been fighting for campaign finance reform.

Together, we passed congressional accountability. We have gotten Congress under all the laws that we impose on the rest of the Nation. We did that together. Together we passed gift ban legislation, Republicans and Democrats. Together we passed lobby disclosure legislation. But we have left one act not taken care of, and that is dealing with campaign finance reform.

Fortunately, we have freshmen from both sides of the aisle who have worked hard to draft legislation that they feel will deal with this issue. I believe that they have made an important step, and I believe that they are truly for reform. I am hopeful, that at the end of the day, we can all come together.

I would argue to everyone in this Chamber that the legislation we need to pass is the Shays-Meehan bill. I believe that we need to pass this legislation because it deals with the important elements that none of the other proposals do.

We need to ban soft money; and with all due respect to other bills, we need to ban it on the State level as it relates to Federal elections. We need to recognize and have the courage to confront the sham issue ads by corporations, by labor unions, by other interest groups, and call them what they are, campaign ads.

Campaign ads come under the campaign laws. It would mean, and I say this particularly to my side of the aisle, that labor money cannot be used in sham issue ads, not the dues. We deal with it whether it is Republican money or Democrat money. I think we also need to codify Beck to let workers know that they have a right to not have their money used for campaign ads.

The bill also strengthens the Federal Election Commission. We have stronger enforcement, and we have stronger disclosure. We also make it very clear that foreign money cannot be used in campaigns, because, right now, soft money is not viewed as campaign money, and so it is legal. You can even make calls from the White House, because it is soft money. It is not campaign money.

My biggest complaint with my side of the aisle is they are willing to investigate corruption and not reform the system. With all due respect, on the other side of the aisle, they are willing to reform, but not expose wrongdoing, I think, when it needs to be.

We need to do both. We need to investigate wrongdoing and hold people accountable. We also need to reform the system.

I am so grateful to be part of this Congress today and in the weeks to come because we are debating an issue we feel strongly about on a bipartisan basis.

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Ms. KILPATRICK. Madam Chairman, I yield 10 minutes to the gentleman from Maine (Mr. ALLEN), one of the sponsors of the freshman bipartisan bill.

Mr. ALLEN. I thank the gentlewoman for yielding me this time.

Madam Chairman, last February, freshmen Democrats and freshmen Republicans agreed to create a task force on campaign finance reform. We were all veterans of targeted races in 1996. We saw firsthand the explosion of soft money in issue advocacy. We know that if soft money can be used for TV ads, and it can, the existing law on contribution limits has become a sham.

The gentleman from Arkansas (Mr. HUTCHINSON) and I cochaired that task force of six Democrats and six Republicans. H.R. 2183, the base bill for this debate, is the product of our freshman task force. It is substantial reform, it is bipartisan reform, and it ought to be passed.

Madam Chairman, I am now going to yield to members of the task force and members of the Democratic class officers.

Madam Chairman, I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Chairman, the current Congress can be broken into two groups: Those who think there is too much money in politics, and those who think there is not enough. I am of the former belief.

During the 1996 election cycle, candidates running for Federal office spent over $1.6 billion to get elected. Whether we want to admit it or not, the fact is that our campaign finance system is jeopardizing our credibility. We should not fool ourselves into believing that the problem is only the illegal activities that occur during the campaigns.

Soft money is unregulated and is not subject to any of the contribution limits. Democrats and Republicans combined to raise more than $260 million in soft money, a 206 percent increase, in 1992. If this trend is allowed to continue, we can expect the soft money figure to reach almost $1 billion in the year 2000. It is the abuse of soft money that has so badly tainted our system. It is soft money abuses that are the source of the investigations of the 1996 campaign.

Mr. ALLEN. Madam Chairman, reclaiming my time, I yield to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Madam Chairman, it is time for Congress to get its head out of the sand. Just how out of touch is this place? Will we look real campaign finance reform right in the eye and blink? I hope not, because the American people have lost trust in the system. They firmly believe that elections are bought and sold.

We all know that soft, unregulated money plays an enormous role in this disillusionment of the problem. This campaign financial loophole allows virtually unlimited contributions from wealthy special interests, and almost every dollar garnered from this is raised at the Federal level.

Madam Chairman, let us be clear: Soft money can lead to the threat of corruption, the appearance of corruption, or real corruption. Let us ban it.

Mr. ALLEN. Madam Chairman, reclaiming my time, I yield to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Madam Chairman, from the most recent records of the FEC in the last few months, a $200,000 donation from an individual impacting on the work of the Capitol; a $250,000 donation from a construction company; a $100,000 donation from a union; a total of $650,000 in donations from a bank; and I could go on and on, $100,000 from an individual; $450,000 in donations from a tobacco company.

Madam Chairman, Lady Freedom is about to be covered up. As the debate was continuing last night, I was impressed with how much we were playing ''gotcha'' and how much we were playing politics. Let us go home on this recess, and come back prepared to deal with this problem. Before Lady Freedom gets completely covered up, let us recover our democracy.

Mr. ALLEN. Madam Chairman, reclaiming my time, I yield to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Madam Chairman, the centerpiece of the freshman bill is a very strong ban on soft money. It prohibits national officeholders, candidates, their agents, from raising, directing and coordinating soft money. The freshman bipartisan Democratic-Republican bill incorporated the ideas of campaign finance experts; Thomas Mann of the Brookings Institute, Norm Ornstein of the American Enterprise Institute, Herb Alexander of the Citizens Research Foundation, we took their ideas and put it into the bill. This was not a partisan ship, this was an idea of experts.

But what does all this do? What is the real issue before us with soft money?

Soft money really restricts the average American from running for office. It puts tens of thousands, even millions of dollars, into campaigns, and forms great obstacles for the average American from running from office. Jefferson and Madison wanted this to be the

House of the people, not the House of the elite and the special interests. Soft money does that.

Let us renew those Founding Fathers' ideas. Let us renew the House of the people. Let us ban soft money. That is what the freshman bill does. I urge my colleagues to support it.

Mr. ALLEN. Madam Chairman, reclaiming my time, I yield to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Madam Chairman, I rise today also in support of the freshman bipartisan campaign finance reform bill. One of the issues that we address in our bill, as well as is addressed in the Meehan-Shays bill, is the third party ads that are typically run by groups outside of Congressional districts. Our bill provides if you are going to attempt to influence the outcome of an election, you have to associate yourself with that ad.

We have had groups here in Washington D.C. that have told us if you force us to put our names on our ads, we will not run them. They further said the courts have ruled they have a right to run anonymous political advertising.

This is crazy. What is at stake here is not a right like that; it is the right of the voters not to be deceived, but to be informed. One of the purposes of this provision is to stop the type of misleading and inflammatory ads that people will refuse to run when their names have to go on the ad.

We have carefully written this freshman bill in a way that is constitutional. It preserves the rights of groups to speak. But if you are going to stand up and say something about a candidate and attempt to influence the outcome of an election, you are going to put your name on the ad. That is going to assure that the rights that are really at stake here are protected, and that is the rights of the voters to make informed judgments and to understand who is trying to influence the outcome of the elections that determine their elected representatives.

Mr. ALLEN. Madam Chairman, reclaiming my time, I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Chairman, I am a proud member of the freshman bipartisan task force on finance reform. If we are truly interested in passing finance reform that is going to pass and withstand constitutional challenges, the freshman bill is the bill to support.

But the opponents of reform would have us believe that large money contributions are essential to freedom, liberty and free speech in this country. I do not know any rational person who believes the ability of a wealthy individual or organization to contribute hundreds of thousands of dollars, just as my friend the gentleman from Arkansas (Mr. SNYDER) so aptly demonstrated, is essential to freedom and liberty in this country. But that is exactly what is going on right now, and it is perfectly legal.

The freshman bill prohibits soft money contributions, and it will limit the corruption and the appearance of corruption resulting from those large contributions.

We can prohibit the soft money contributions under current constitutional case law. So our soft money ban withstands any constitutional challenge, and, yes, it does uphold liberty and free speech in this country.

I urge my colleagues, if they are interested in true finance reform that upholds the tenets of our Constitution in this country, to support the freshman bill.

Mr. ALLEN. Madam Chairman, reclaiming my time, these freshmen Members of Congress have helped bring real campaign finance reform to the floor. H.R. 2183 should now be debated and passed in this Congress. But we are going to hear some objections. We are going to hear the phrase ''big money.'' I ask you to remember it. We are going to hear the phrase ''free speech.'' Because when some Members of Congress argue that campaign reform stifles free speech, they are really saying that it shuts down big money, and they like big money. They want to keep big money.

The Supreme Court has said preventing the appearance and reality of corruption justifies limits on contributions to candidates and parties. To be sure, the First Amendment is a factor. But a soft money ban is constitutional. Issue advocacy can be regulated.

Do not be fooled by those who use the rhetoric of free speech to keep campaigns fueled with big money from corporations, unions and wealthy individuals. Support the freshman bill.

Mr. THOMAS. Madam Chairman, it is a pleasure now to yield 3 minutes to the gentleman from New York (Mr. PAXON), a retiring Member of Congress, but someone who certainly is not himself retiring.

Mr. PAXON. Madam Chairman, for years the two-party system has served this Nation well and has helped to make America the strongest democracy in the history of the world.

Today we have really seen on this floor the beginning of a direct assault on the two-party system in the guise of so-called reform. I warn my colleagues, as you well know, because someone walks to the well of the House and says something is reform does not make it so.

As a matter of fact, I believe that if these measures pass, we can predict three things: First, the diminishing of our two-party system; secondly, a diminishing of the ability of candidates to be responsible for the messages in their campaigns to the electorate; and, third, because so-called reform will actually move dollars from the Federal system that we have today of disclosure, those dollars will end up in issue advocacy campaigns, and that will mean no disclosure of where the dollars come from, no disclosure of where the dollars are going to or being spent, and, undoubtedly, more of what we are seeing today, negative and attack commercials that are not controlled by anyone.

Now, there is much talk though on this floor about controlling one thing, and that is these very issue advocacy campaigns. But that is a fantasy. The courts will not allow it, and that is clear.

What this talk is is a Trojan horse, good talk about controlling issue advocacy and all those negative campaigns, and, once the courts strip it away, we are only left with controls on the two-party system and controls on the candidates who are, therefore, not responsible to the electorate because of the kind of messages that will come out in those issue advocacy campaigns.

Therefore, the bottom line is simply this: The real question when it comes to campaign abuses is not about more laws. There are laws galore on the books. What we need is the real choice before us today: Will we enforce the laws that are on the books, or will we irreparably harm the two-party system and the ability of candidates to be responsible to the electorate and control their messages?

As this debate goes on in the coming weeks and months, I cannot help but come back to the adage that my dear grandmother gave me time and time and time again, and that is simply this: Be careful what you wish for; it might come true.

Mr. THOMAS. Madam Chairman, it is my pleasure to yield 2 minutes to the gentleman from Washington (Mr. WHITE), one of the authors of a major substitute that we will be looking at later in the process.

Mr. WHITE. Madam Chairman, we are embarking today on a long process to debate campaign finance reform. It is an open process, and that is a good thing. But it is also a process that, if we judge from the past, is likely to end in failure, in partisanship and in embarrassment to this House. Because the fact is if we look at what we have done in the past, we are likely to spend our time fighting with each other, arguing over our pet projects, and, ultimately, not getting anything done.

The fact is, we do not agree on the details, and what most of this campaign finance debate will turn out to be is one party trying to stick it to the other party and trying to see if they can do that in one way or another. The fact is, it is very likely that we will end up at the end of the day in a situation where no bill has the votes that is necessary to pass.

I would submit to you, Madam Chairman, if there is a lesson to be learned from the history we have seen, it is we cannot do this job ourselves. The last people in the world who should be making decisions on campaign finance reform are the people whose individual personal self-interest depends on campaign finance.

□ 1330

That is all of us in this House.

So I would submit to my colleagues that there is really only one way to get

a neutral, good government campaign finance reform bill, and that is to appoint a group of neutral experts to come back to us with a proposal after debating for a period of time. That is the Commission bill.

It is one of the first bills we will be debating, and I would implore my colleagues to give it careful consideration. We will have plenty of time to debate the merits of it, to explain what the Commission is all about. But I would say to my colleagues, go ahead and have the fights, go ahead and try to stick it to the other party, go ahead and try to win on your terms, but do not forget to vote for the Commission bill, which is the one chance we really have for real, fair and neutral campaign finance reform.

Mr. THOMAS. Madam Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), a Member who has been involved in this for some time.

Mr. WHITFIELD. Madam Chairman, the Buckley decision was obviously the most important campaign finance decision made by the Supreme Court. Justice Thurgood Marshall in that opinion wrote, ''One of the points on which all members of the Court agree is that money is essential for effective communication.''

Now, in Federal campaigns we have two kinds of money. We have soft money, which is money spent by any organization, any individual, or a political party to talk about issues.

Now, in my campaign in 1996, the labor union spent $866,000 against me in TV ads, and it said, paid for by the AFL–CIO. That is soft money. I did not like it, but I think they have the right to run them. The Supreme Court have repeatedly ruled they have that right.

Hard money is money spent by candidates for Federal office. It is used specifically to elect or defeat a candidate and is, therefore, regulated by the Federal Government.

Now, the Shays-Meehan bill, not only does it place a cap on the amount that a person can spend of their own money, but it also prohibits any organization, any individuals and political parties of any political philosophy from spending money to educate people about issues within 60 days of the election. So in Federal elections, where does that leave us? Those that spend hard money, the candidates, and then, of course, members of the news media will be able to express their views. They will be the only ones.

But individuals around the country, organizations around the country will not be able to spend any money. And I, for one, do not like to see the last 60 days of an election having the news media being the only ones that can talk about the candidates, because they are not regulated by anyone. So they will exercise their free speech, but the American people will not exercise their free speech.

Mr. THOMAS. Madam Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. BRADY), a member of the freshman bipartisan group.

Mr. BRADY of Texas. Madam Chairman, new campaign laws will not help if we do not first enforce the ones we have, and Congress must enforce and must ensure the free expression of speech, and that is why I am proud to be an original cosponsor of the freshman reform bill.

Each year, we seem to drift farther and farther away from the original intent of Congress as a citizen legislature, electing people from all walks of life and stations of life. A citizen Congress is disappearing in great part due to horribly expensive campaigns whose costs are out of control and getting worse.

Today, it takes about $1 million. The average cost of winning a competitive seat in Congress is $1 million. That means a lot of good people in our community will never raise their hands to run for Congress because they do not have $1 million and they do not know how they would find it, and those costs are doubling every 4 years. For a Nation founded on representative government, that is alarming.

Madam Chairman, I love being part of a Republican Congress that is known for challenging business as usual in Washington. Now is the time and we are the ones who take on the difficult past of bringing some common sense to these campaigns. It will not be easy. Nothing important ever is. But it will be worth it to make sure that, someday, our children do not wake up in the future to find that our Congress is reserved for only the wealthy few.

When it comes to doing the right thing in America, money is not everything. Integrity is more important than a fat wallet. Character still counts. If we believe in the citizen Congress, we know that we have to make sure the doors are open to families and working Americans who are only rich in principle and wealthy in common sense.

The freshman bill is common sense. It is constitutional, it preserves free speech, it protects States' rights, and it avoids the extremes without giving advantage to either party.

As a Republican, I confess that the bills that give my party an advantage are awfully tempting. As a Republican and an American, I know that the principle of a citizen Congress is a higher principle. That is what America's founders envisioned, that is what generations of Americans have given their lives for, that is our challenge to preserve.

Ms. KILPATRICK. Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR), who has spent a lot of time on this issue and one of the sponsors of one of the bills we will be further debating.

Mr. FARR of California. Madam Chairman, I thank the gentlewoman for yielding me this time.

I am pleased that we finally have a chance to debate on 11 measures, separate measures to discuss campaign reform, and I join this debate to fight for reform, real reform. Reform that stops the money chase, reform that restores the integrity to the election process, that allows candidates to discuss the issues, not sling mud.

I support the Shays-Meehan bill, but I also have a bill to be discussed in this debate, one that is more comprehensive than Shays-Meehan and actually is the basis from which Shays-Meehan originally developed.

But as good as Shays-Meehan is, it could be better. If the problem with campaign finance today is too much money in the system, then let us cap it. No one talks about spending limits anymore. But my bill has spending limits; none of the others do.

If we want to reduce money in the system, do not let it be spent. I cap it out at $600,000, which is the average cost of a campaign in the United States in the last election.

No one talks about PAC contributions anymore, but I do. My bill reduces individual PAC contributions and caps them in the aggregate. Shays-Meehan does not. If we want to reduce special interest money in the system, reduce the flow of money, cap it. My bill and my amendment has PAC limits.

No one talks about wealthy candidates anymore, buying a seat in Congress, but I do. My bill limits how much personal money a candidate can spend on his or her campaign. Shays-Meehan and other bills do not.

What about bundling reform? What about access to broadcast time? Have we forgotten that there is more to campaign finance reform than only soft money?

We need reform. It needs to be bold. It needs to be comprehensive. Getting rid of soft money is a good start, but in itself is not enough. Getting tough on express advocacy is a good start, but in itself is not enough. Getting serious about disclosure is a good start, but it is not enough. Shays-Meehan is a good start, but it is not enough.

I will offer an amendment using the text of my bill, H.R. 600, that does that, and more. If we are going to go through the trouble of passing campaign finance reform, let us pass comprehensive reform. Let us show America we are serious about cleaning up the system. If we are truly determined to do something about campaigns that are financed in this country, we must attack it from all angles, not just one. Incremental reform is reform delayed, and reform delayed is not reform at all.

Mr. THOMAS. Madam Chairman, I yield myself 1 minute.

Madam Chairman, someone earlier made the statement that they saw an educational ad and it did not play by ''our rules.''

The gentleman from California (Mr. FARR), is obviously sincere in offering his package, and we will look at it in more detail later, and he is proud to say that it has spending limits in the bill.

If my colleagues will recall my opening comments about the concern that we have to have in passing legislation in which the Supreme Court has already rendered an opinion, my colleagues will recall that in Buckley v. Valeo the Court sustained contribution limits that were in the 1971 law, but it held unconstitutional the expenditure limits, and yet we still continue to try to go down that path.

The gentleman from California said that, in terms of millionaires spending their own money, we ought to tell them that they should not be able to do it. I remind my colleagues that the Court has said that that is supposed to be a fundamental first amendment right.

I will also remind my colleagues that the Farr bill has a severability clause. That means that if the Court rules one portion of it unconstitutional, the rest of it will stand. In other words, if he believes he has crafted a careful, comprehensive plan and the Court throws out a portion of it, what we wind up having is the same situation we are in today.

What the Congress wanted, if, in fact, that is what Congress wants, will be done only in piecemeal, hit-and-miss fashion. As we look at these various proposals, look to see whether they have severability. Look to see if they address what we should be doing under constitutional amendments in a statutory form when we are running directly into the face of the Supreme Court saying certain aspects of people involved in expressing their own positions politically have a guarantee under the first amendment.

Madam Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Madam Chairman, I am sure that all of us are familiar from watching the movie Gunsmoke or some of the other westerns, or if we have ever studied western history, we have heard of something called snake oil. That is just about what is to be sold on this House floor, and it is called snake oil.

How does one sell snake soil? First of all, one goes out there and convinces the people, goes into town ahead of time and convinces everybody that they are deathly ill, that the consequences of not buying the snake oil will be devastating to the community as a whole.

That is exactly what they are trying to do on this floor. Then, after they have convinced them about these horrible consequences, you ride into town on a white horse and say, I have the snake oil. I have the cure. The solutions are heavenly. Everybody in the community will live happily ever after.

Well, what are we doing here on this so-called campaign finance reform? What does it mean? Well, of course, that is all in the eyes of the beholder, but let me go over a few buzzwords we have heard this morning.

Just a couple of minutes ago, I heard the good gentleman, a good friend of mine, the gentleman from Arkansas, quoting the scriptures on campaign finance reform. Then we hear the word ''reform;'' now we hear the words ''real reform;'' then we hear about restoring public confidence. They are all buzzwords. Convince them there is an illness out there. Exaggerate the abuse that goes on out there. Talk about corruption. Describe the institution of Congress and what a horrible institution it is.

The previous speaker from California talks about buying a seat in the U.S. Congress: Make it corrupt. Make it sick. We have to be able to sell this snake oil.

Use the words, ''special interest.'' Of course, we have to use the words ''special interest,'' as if everybody in here does not have a special interest. Mine happens to be water, mine happens to be kids, abused children, mine happens to be the military, a strong defense. I do not deny having a special interest, and none of my colleagues should either.

Use the words ''soft money'' over and over and over again. If we are going to convince them of this disease, we better use the word ''soft,'' ''soft,'' ''soft'' like it is the word ''cancer,'' ''cancer,'' ''cancer.''

Talk about the horrors of the two-party system, how horrible, what bad shape this country is in because we have the Republican Party and the Democratic Party. Never once look back in history to see that history proves it is the most successful political system in the history of the world. No, no, no, we do not want to look at facts. Do not look at the bottom line, talk about how this empowers individuals. Then, after we have done all this, sell the snake oil.

That is about what is going to happen, folks. The average person out there is going to get sold some snake oil because, unfortunately, they are going to believe a lot of what we say. I hope the people listening to me today do something that they should do when the snake oil salesman rolls into town and that is, look at the bottom line. Do not buy it on what you hear, do not buy it on what you see, buy it on what you know to be true.

□ 1345

Mr. KILDEE. Madam Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Chairman, I thank the gentleman for yielding me the time.

First of all, I want to thank all of my colleagues on both sides of the aisle who signed the discharge petition that has brought campaign finance to the floor, particularly the Blue Dogs, who initiated the petition drive in support of campaign finance reform.

It has been a long time since the Speaker shook on it, and a great deal has happened since then. We have held hearing after hearing on alleged campaign finance abuses, but we have taken no concrete action to repair the problem.

We have spent hundreds of taxpayers' dollars and hours of valuable time on hearings that have yielded nothing. So if we spend hours and days on this floor debating reform, as long as we end up with a strong law instead of the usual shell game, where we vote on a bill knowing that it will not be enacted into law, I do hope that the ultimate outcome will be passage of Shays-Meehan. It is bipartisan, it bans soft money, it mandates disclosure, it levels the playing field between challengers and incumbents, and it regulates independent third-party spending.

We need to hold elections, not auctions, to select our leaders. I hope we move forward as quickly as possible with reform, and that we all get behind Shays-Meehan.

Mr. THOMAS. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I would announce that the Congressional Research Service document that I had mentioned at the beginning of the debate is now being made available.

For anyone who is going to be leaving for the break from the floor, we have them available. Obviously, they will be available in greater numbers as we move through the process, and Members can have them in their offices. But if Members want one now, they are beginning to arrive.

Madam Chairman, it is my pleasure to yield 3 minutes to the gentleman from California [Mr. CAMPBELL], an author of a major substitute who will be addressing us at length later.

Mr. CAMPBELL. Madam Chairman, I thank the chairman, my good friend and colleague, the gentleman from California, for yielding me the time. I want to commence by complimenting him. There is no more sincere friend of campaign finance reform than the gentleman from California [Mr. BILL THOMAS), and I applaud his work.

Madam Chairman, I would like to use the minutes I have to speak about the first amendment, about ''Can't vote, can't contribute,'' and about paycheck protection.

On the first amendment, I have heard on the floor already expressed review that the first amendment will not tolerate any campaign finance reform. This is simply not true. First of all, the Constitution gives to the Congress and the States the obligation to control the time, places, and manner of elections.

Second, the Supreme Court of the United States has on at least 14 occasions decided what kind of speech can be restricted. We cannot advertise a dangerous product, we cannot announce prices and fix them with somebody else, we cannot speak if the speech would pose an imminent risk of great danger. All of these, one might say, are restrictions on speech under the first amendment, and yet they have been permitted by the Supreme Court. Why is this? Because they preserve the fundamentals of the First Amendment.

The same is true with campaign finance reform. The Supreme Court dealt with this most extensively in Buckley versus Valeo, and in subsequent opinions as well. What that case said was, if the purpose and the effect of the reform is to control the system from the abuses so that truly free speech, in honest, legitimate debate can come forward, then the reform is permissible. That, I think, fairly characterizes almost all of the alternatives we will be debating.

The alternative on which I have spent my time is called ''Can't vote, can't contribute.'' It is exceptionally simple. If you cannot vote for me, you should not be contributing to me.

What my bill say is, a labor union cannot vote for me, so they cannot contribute; a company cannot vote for me, so they cannot contribute; citizens from the State of Missouri cannot vote for me, so they cannot contribute. (I represent the State of California).

I am saying, let us restrict the ability to give to the very people to whom you owe the highest responsibility, your constituents. That approach, it seems to me, would solve a huge amount of the problem. No PACs, no labor unions, no companies, just the people whom you represent, can contribute. ''Can't vote, can't contribute.''

I have to be a little bit more careful and say that, under Supreme Court law, we have to allow some small amount of giving by others, and so I have a small amount that can come from other sources, no more than $100.

Lastly, my bill will have an expanded protection for those people who give their money to some entity, and that entity goes and uses it politically. We have heard how labor unions do this, but I think companies do it, too. What I propose is if you give your money to a company and the company decides to spend it politically, that company ought to get your approval up front. Then they can only spend as much money as has been approved by their shareholders. And similarly, if you are a member of a labor union, that union should not spend your money without getting your approval up front for the amount they wish to spend.

''Can't vote, can't contribute'' is simple, and it is fair. Most importantly, though, it is consistent with the first amendment. I thank the leadership of the Republican Party for allowing this debate to take place.

Ms. KILPATRICK. Madam Chairman, I yield 2½ minutes to my colleague, the gentleman from Michigan [Mr. LEVIN].

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Madam Chairman, I think this debate has been illuminating. The basic issue is really quite clear: Are we basically satisfied with the status quo, or are we not?

Yesterday the gentleman from Georgia (Mr. LINDER) said, in opening the discussion on the rule, I do not believe that major changes are necessary to the existing campaign finance laws. Instead, he urged some kind of assurance that the current laws we have on the books are going to be honored.

All I can say to him and the gentleman from Colorado, who tried to minimize the present problems, is money is swamping democratic politics in America. I have been involved in the political process for a long time. I am proud of the two-party system. It is the two-party system that is being eroded by money.

The issue advocacy issue is not a Trojan horse for soft money. The point is, if we do not address not only soft money but so-called issue advocacy ads that are really campaign ads, we have not closed the circle and ended the loopholes.

I think the gentleman from California (Mr. CAMPBELL) is absolutely correct about the first amendment. I hope people will not use it as an excuse to do nothing. I want to read just a couple of lines from Buckley which indicates that the first amendment has to be looked at in the context of the political realities of 1976, in the case of Buckley, and 1998 today.

It says, ''The increasing importance of the communications media and sophisticated mass-mailing and polling operations to effective campaigning make the raising of large sums of money an ever more essential ingredient of an effective candidacy. To the extent that large contributions are given to secure political quid pro quos from current and potential officeholders, the integrity of our system of representative democracy is undermined. . . .''

Then they go on to say, ''Of almost equal concern as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions.''

What Shays-Meehan gets at is not only these huge financial contributions, but their unknown source and issue advocacy ads. If Members like the present system and they think the public does, go ahead and vote for essentially sham proposals. If Members want basic change, vote for Shays-Meehan.

Mr. THOMAS. Madam Chairman, it is my pleasure to yield 3 minutes to a freshman, the gentlewoman from Kentucky (Mrs. NORTHRUP), someone who has just recently been on the front lines.

Mrs. NORTHUP. Madam Chairman, I thank the gentleman for yielding me the time.

In my government class in my junior year of high school, my teacher taught my class about civic duty. We studied the Constitution, and I learned then that that document represents a contract between the U.S. government and us, its citizens; and that as citizens, we are guaranteed certain inalienable rights. Those rights include our freedom of speech.

Today we have before us a number of proposals, all addressing the issue of campaign reform. The self-proclaimed reformers will talk about the problems of public cynicism, corruption in politics, and abuse of the system. Their proposed solutions will suggest everything from limiting when certain groups did disseminate their message to capping campaign spending and using tax dollars to fund campaigns.

The problem is that at the heart of each of these proposals is a muzzle on first amendment rights, the right to freedom of speech. Members may ask, what does campaign financing have to do with free speech? The answer is, absolutely everything.

In the landmark Buckley versus Valeo case, the Supreme Court ruled that being able to raise and spend money is necessary for speech. Restricting the amount of money a person or group can spend in campaigns reduces their ability to express themselves.

In today's society, every means of communicating ideas requires spending money. In fact, most campaign spending is used for the purpose of communicating with voters. Running an advertisement on television or the radio costs money. The ink and paper used in a mail piece costs money. An ad in a newspaper costs money.

While standing on a street corner screaming at the top of your lungs may be an exercise in free speech, it does little to disseminate your message. In order to share your views with others, whether you are a candidate running for office or a group of individuals concerned about the environment, you must have the funds and be able to buy air time or newspaper space to voice your opinion effectively.

While the authors of these reform proposals might say their ideas do not hamper free speech, most proposals do infringe on the first amendment, the right to free speech.

We must remember that election activity is a healthy sign of a vibrant democracy. Just as we encourage citizens to vote, we should encourage them to be involved in campaigns. The discussions that swirl around campaigns are part of engaging our citizens in campaigns and the issues that confront them.

Limiting our ability to discuss those issues violates our inalienable rights. Oppose limiting free speech. Oppose the Shays-Meehan and Hutchison bill.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute and 15 seconds to the gentlewoman from Ohio (Ms. KAPTUR).

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Madam Chairman, I rise in strong support of the Shays-Meehan proposal as the first important step towards reform, the first important step. I have listened to these arguments about free speech. Well, if money is now equated with free speech, then lack of money is equated with

lack of free speech. It makes sense to me. Let the American people be the judge.

What we really do need is a constitutional amendment that will overturn Buckley versus Valeo. It is outdated. Think about this. In 1994 the average Member sitting here had to spend nearly $1 million when they were in competitive House races to hold onto their seats for a job that pays one-tenth as much. If they ran for the other body, the S-E-N-A-T-E, then they had to spend close to $4.5 million for a job that pays about $130,000 to $136,000 a year. Let the American people be the judge.

In 1994, no House challenger won spending less than $100,000 in this Chamber for a job that pays $136,000. In 1996, the number of congressional candidates financing their campaigns with $100,000 or more of their own money was over 109 candidates.

The American people are voting at all time lows. They know that the money changers are in the temple here. I would say to the people of New Hampshire and Iowa, they have enormous power to change this system. They should not let a single presidential candidate through their States until they are willing to agree to limits.

Mr. THOMAS. Madam Chairman, it is my pleasure to yield 2½ minutes to the gentleman from Missouri (Mr. HULSHOF), another one of those members of the freshman class.

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. I thank the gentleman for yielding me the time, Madam Chairman.

Madam Chairman, I rise today in support of the freshman bill, the Bipartisan Campaign Integrity Act of 1997.

With great respect for the gentlewoman from Kentucky who just spoke recently, and another freshman Member, I am one of those self-proclaimed reformers. There has been a lot of discussion about the Shays-Meehan bill. One part that I happen to agree with the gentlewoman from Kentucky is that even with the motive, the good motive that I think is underlying the bill, I think it is unconstitutional.

□ 1400

I think that it is an unconstitutional infringement upon the right of free speech. The freshman bill, I think, cuts a swath down the middle. As newly elected Members of Congress just off the 1996 campaign trail, our class is bringing a fresh look at reforming the way that Federal elections are financed in this country. Increasingly the American people are losing faith. They are losing confidence in the current system of campaign financing which reflects upon those of us who come here.

The freshman bill is truly a bipartisan bill. It was crafted to meet the needs of reform without unfairly impacting one side over the other. With all due respect, last night we had a very passionate debate on the rule and the majority whip, right where I am standing, talked very passionately about the First Amendment. But with all due respect, there is no constitutional protection to soft money. There is nothing in the Constitution that says this unregulated, nondisclosed, big money in politics somehow enjoys the protections of the First Amendment of the United States Constitution. The freshman bill bans soft money.

The other area that I think that our bill is actually an improvement over other measures that will be fully debated after we get back from our recess is on the issue of issue advocacy. Where this bill is an improvement over the Shays-Meehan bill is simply we are asking for disclosure. It is interesting that when you have a broadcast commercial either on the radio or television, the FCC requires that the advertisement's sponsor must be disclosed. Should we not at least require some disclosure from the FEC when you are engaging in broadcast? We are not asking for disclosure of who has contributed to these particular third party groups. We simply are asking for full disclosure. That is why I think that this freshman bill is the best measure. I urge its support.

Madam Chairman, I thank the gentleman for yielding me the time.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. POSHARD).

Mr. POSHARD. Madam Chairman, I speak to a lot of college students around the State of Illinois. Every time I stand in front of those students, they look me straight in the eye and they say to me, Congressman, we do not trust any of you guys anymore. You are all in it for yourselves. You are all in it for the special interests. No one is in it for us any longer.

When I inquire of those students as to why they do not trust their government, why they see their government as the enemy rather than their friend, they always look me straight in the eye and they say, Congressman, just follow the money, just follow the money. You will know why we do not trust you.

They are not wrong. Those students know that money in our government today leads to access, and access leads to influence, and influence leads to policymaking that is not always in the best interest of all of our people. Trust is the glue that holds our democratic system together. Without trust, it begins to unravel for all of us. If there is anything important in America, it is that every citizen ought to enjoy equal access to every door of representation in this government. That is our responsibility in this Chamber, to make that happen.

Madam Chairman, I am very pleased to have the opportunity to rise today and add my comments on an issue of deep concern to myself and many of my colleagues. At long last, this House is engaging in a meaningful debate on one of the most significant, controversial and urgent issues facing our nation—the reform of our nation's campaign finance laws.

The overhaul of our campaign finance system is a goal I have supported for many years. I strongly believe that we must reduce the overwhelming influence of money and return our campaign system to its roots of citizen legislators who challenged each other on the issues and their vision of the future. During my service in the Illinois Legislature and in this body, I have witnessed first-hand the effect that special interest money can have on honest debate and the integrity of the legislative branch of government.

In the absence of meaningful progress on this issue on the national level, I have sought to reform the financing of my own campaigns by refusing all PAC donations and relying instead on small contributions from individuals. Although I have often hoped that in this way, a few of my colleagues and I were setting an example for others to follow, it is not at all difficult to understand why only a handful have done so. It is indeed a daunting task to run a campaign without the easy donations that flow from special interests. But I would rather rise to the challenge and struggle to overcome this obstacle freely and honestly than continue to work within a system that has become irreversibly corrupted by the Influence of money.

There are those who will argue that the reforms we are seeking will place undue restrictions on the ability of interest groups to publicize their views. While I understand this concern, and I certainly do not support measures that infringe on First Amendment rights, I feel that the damage that money has inflicted on our political system can no longer be ignored. I am convinced that if reforms are enacted, sufficient opportunity will remain for groups and individuals to continue to make the opinions known in a meaningful and effective way.

The bill which has been brought to the floor today does not encompass my vision of campaign finance reform. However, I am grateful that the leadership has provided for consideration of many substitutes to this legislation, and I am hopeful that as this debate continues, my colleagues and the American people will join me in calling for a solution to this urgent problem. I believe that the Shays-Meehan bill represents the best vehicle for reform, and I will vote for its passage as a substitute to H.R. 2183. But regardless of the outcome of the votes we will cast as this process continues, the discussion itself marks a milestone in the House, and I strongly urge all members to take advantage of this historic opportunity to return politics to the American people, so that they can take pride in their government and in the role they play in the democratic process.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, Americans want fundamental change or a complete overhaul of the campaign finance system. They want meaningful limits on the out-of-control money in politics, and they want it now. We need to end the abuses of the electoral process, ban soft money, rein in the exploitation of issue ads and bring elections back home to the American people.

During this debate the Republican leadership will try to change the topic

and, yes, to sell snake oil. It will try to turn attention away from all the good ideas that are out there to truly reform our elections and, instead, will try to focus debate on proposals specifically devised to bury elections deeper in the pockets of big money and of their special interests, to silence the voices of working men and women, and to kill reform.

Do not be fooled by the Republican leadership's all smoke and mirrors routine. Americans are tired of the games. We have the votes in this House to pass real reform. It is the Republican leadership that would thwart the will of this House and thwart the will of the American public.

Vote for Shays-Meehan, vote for a victory for the American people. Give their voices back to democracy.

Mr. THOMAS. Madam Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), another member of the freshman class.

Mr. BLUNT. Madam Chairman, today we have really started what can be a great debate in this House. We are often frustrated by how long the Senate takes to talk about the ideas that they talk about. We are also often frustrated by the fact that we do not have the time to chase important ideas to an important conclusion.

The law of unintended consequences seems to particularly appeal every time we try to change our campaign finance laws. In fact, many of the things we will talk about in this debate will be why the reforms after Watergate have not worked. Many of the things we will talk about is why we cannot enforce the laws we have.

If there is a smoke and mirrors problem, like I just heard that term used, in our law today, the smoke and mirrors problem is why we cannot enforce the laws we have and how we turn that into a debate about why we need more laws. But we do have time for this debate. This is a debate that goes to the core of our process. It goes to the core of what the next generation of folks who run important public office are likely to deal with. We can take the time. We have the time. We are going to talk about important things.

I just heard a moment ago the need to rewrite the First Amendment. I am not opposed to revisiting the Constitution. In fact, I was for revisiting the Constitution recently when we talked about the need to have a balanced budget amendment in the Constitution. But many of my colleagues who now want to rewrite the First Amendment said, it is way too dangerous to talk about an amendment, a new amendment that would protect the way we spend taxpayers money, but we are going to have a debate on whether it is too dangerous or not to talk about the way we protect the speech of voters and citizens.

These are big issues. This is a debate that deserves the attention it is going to have. I am grateful that we have an opportunity in this debate that we seldom have on this side of the Capitol to have a full and free exchange of ideas. I am pleased to see it start here today.

Ms. KILPATRICK. Madam Chairman, may I inquire as to the remaining time on both sides?

The CHAIRMAN. The gentlewoman from Michigan (Ms. KILPATRICK) has 13¾ minutes remaining, and the gentleman from California (Mr. THOMAS) has 11 minutes remaining.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Chairman, I thank the gentlewoman for yielding me the time.

The most often asked question of me at home, especially with the young people that I represent in California's very distinguished 14th congressional district, is the following: What got you interested in politics, and why do you want to be in it? What do you want to get done?

I was attracted to public service at a very early age when I was in high school. We did not vote then. You had to be 21 years old to vote. And I became involved in the presidential campaign of John Fitzgerald Kennedy When he won, I honestly felt that I had put him over the top with the work that I had done. It was a time when public service was celebrated. Today in 1998, 38 years later, I am sorry that we cannot report the same thing. Why? Because people do not believe that this place is on the level.

And they are right. Why? Because money influences everything that takes place here.

We must step up to the bar and encourage the American people that they can indeed have confidence in this institution and their representatives by reforming a broken congressional finance campaign system. Vote for the Meehan-Shays bill. It is the real one. We should pass it, and we should be judged as to whether we have voted for it or not.

Mr. THOMAS. Madam Chairman, I yield 2 minutes to the gentleman from Washington (Mr. METCALF), a member of the freshman class.

Mr. METCALF. Madam Chairman, I would like to thank the gentleman from California (Mr. THOMAS) for yielding me the time and congratulate the Speaker and the leadership for keeping their commitment and allowing this debate today.

Madam Chairman, I am one of the Members totally committed to a full debate on this issue. I would even have signed the discharge petition to force a full and open debate. I am gravely concerned about the present campaign system because the American people have lost faith in the way Congress is elected. It has to be changed. By reforming our campaign finance system, we are moving forward on a new course that will empower people's faith in the political process. I have looked forward to this debate and I sincerely hope that we will enact real and honest campaign finance reform.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. TURNER), the Lone Star State.

Mr. TURNER. Madam Chairman, I thank my fellow freshmen, Democrats and Republicans, who are fighting for campaign finance reform. I also thank my fellow blue dog Democrats who worked to bring this issue to the floor by pushing the discharge petition calling for a fair and open debate.

Why are we fighting so hard? Because we believe that big money has a corrupting influence upon politics. We want votes, not dollars, to count in these halls. We want the strength of one's argument, not the size of one's pocketbook, to determine public policy. And we want to ensure that this government is not for sale to the highest bidder.

The American people deserve to know that this Congress investigates every allegation of campaign finance abuse, not to secure partisan advantage but to restore public trust and confidence in government.

While we investigate allegations surrounding Johnny Chung and possible corporate influence on decisions to grant licenses to sell technology to China, let us not forget that at the end of the day it is about big money in the political process.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Chairman, I want to take a moment to thank the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Massachusetts [Mr. MEEHAN] for including a variant of my ''stand by your ad'' proposal in their campaign finance reform substitute.

A little over a year ago, I introduced stand by your ad, based on a good North Carolina idea from Lt. Governor Dennis Wicker, to make a real change in campaign advertising.

Stand by your ad is a bipartisan proposal sponsored by the gentleman from California [Mr. HORN] and myself and 13 others. Our bill would require simply that candidates appear in their television ads and say that they sponsored the ads. It would require the same for radio advertisements. The disclaimer for print advertising would also be enhanced.

Our proposal will not dictate the content of ads. But it will make candidates think twice before running a distorted or a mud-slinging advertisement, for they will have to take responsibility for what they put on the air and the voters will be more likely to hold them accountable.

We must change our electoral system in a real and positive way. I believe the Shays-Meehan bill offers us the best opportunity we are likely to have to do that. I am grateful that the sponsors have included ''stand by your ad'' in their substitute, to strengthen the required disclaimer and thereby to improve the tone and content of campaign advertising.

This year we have a real opportunity to change the rules. We need to work across party lines to reform how we conduct campaigns. I urge my colleagues to join us and the other cosponsors of the Shays-Meehan bill in supporting real campaign reform by voting for the Shays-Meehan substitute, including ''stand by your ad.''

Mr. THOMAS. Madam Chairman, I yield 4 minutes to the gentleman from Florida (Mr. MICA), a member of the Committee on House Oversight.

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Mr. MICA. Madam Chairman, I thank the chairman of our Committee on House Oversight for yielding me this time and also for his distinguished leadership on this issue.

My colleagues, we have ourselves in a real pickle here. I have served on the Committee on House Oversight, and we have had to tangle with this dilemma in committee. The chairman has tried to act and Members have tried to act in a very responsible and responsive manner to the will of the House.

We sat for days and days in meeting after meeting. We heard at least 40 Members of the House with their various proposals as to how to revise our campaign laws. I sat through much of that testimony. And that is part of the problem.

No one is trying to deep six campaign reform, as we have heard some accounts in the media or some of my colleagues on the other side or this side say. I think people want meaningful campaign reform. And our committee tangled with this, and we brought out measures, and we gave the House an opportunity to vote on it. But now this House is going to suffer the same fate that our committee suffered.

I am not here to speak for or against one measure or the other, but I tell my colleagues that the reason we have 500 amendments and dozens of bills and proposals and differences of opinion is, in fact, we have 435 Members.

My colleague from California (Mr. HORN) summed it up so well when he said, we have 435 experts on this issue. And that is our problem.

But let me tell my colleagues what the American people want, and my colleagues have heard at this podium here all the condemnations. Actually, that is the side that controlled the White House, this House and the other body for several years and had complete power to change all the laws that they, in fact, passed and eliminate these abuses, but they did not.

So here we are in an open discussion, and we are going to have to sort through this, and we have a great difference of opinion on it because we are all experts.

We have all been abused by the system. I hate soft money. I was abused by it. I would love to ban it. The only problem is this little thing that gets in the way, the Constitution, which I carry around. And if my colleagues can find a way around the Constitution, then go at it.

But I want to tell my colleagues what the American people are upset about, and I am offended by some of the debate here today. The American people are disgusted because the laws on the books have been abused and misused. We have heard that we are going to investigate to the end, but we do not investigate to the end.

I sit also on the Committee on Government Reform and Oversight, where we have heard a parade of witnesses that go on and on about campaign abuses of existing laws. It is illegal for foreign governments to contribute. It is illegal for foreign citizens to contribute. It is illegal under the laws.

And I stacked one day in the hearing all the laws that had been violated, the statutes of the United States of America. Illegal conduit payments. That is illegal. And I heard it is illegal for conduit payments.

And then I heard the testimony and the tape of the President of the United States saying, we found a way to take amounts of money in 20s, 50s and hundred thousands, go get it, play it, to subvert the presidential election process that we put in place with some public money to avoid these abuses.

So, yes, the laws are on the books; but, yes, they have been violated. And people want, 74 percent of the American people, when polled, said their number one priority is enforcing the laws that are on the books.

So we face today this dilemma: Those who say we want to clean up and enact new laws; those who want to affront the Constitution. We will have to make the choice.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

(Mr. SANDERS asked and was given permission to revise and extend his remarks.)

Mr. SANDERS. Madam Chairman, if American citizens are concerned that Congress continues to represent the interests of the wealthy and the powerful at the expense of the middle-class and working families, then the American people must get involved in the fight for real campaign finance reform.

Our Republican friends want to investigate the role that campaign contributions might have played on President Clinton's China policy. Well, we should investigate that issue fully and fairly, but we should also investigate the role that campaign contributions play in our tobacco policy, our health care policy, our tax policy, our banking policy, and many other policies that we deal with.

Big money interests are pouring hundreds of millions of dollars into the political process, and the wealthiest ¼ of 1 percent provide over 80 percent of campaign contributions. More and more millionaires are running for office while the middle class and working families are voting less and less and participating in lower numbers.

Let us have the guts to pass real campaign finance reform, and let us do it now.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Madam Chairman, I took this picture off the wall of my office. I purchased it several years ago from a high school art competition in my district. It was produced by Jeff Vogelsberg, a student at that time in a high school in my district.

As my colleagues can see, or maybe they cannot see, it is a picture of a car made out of money that has lassoed and is taking away the Capitol of the United States.

We have a saying in our language, ''out of the mouths of babes,'' which really speaks to the sort of pure and perfect insight of children, the ability to get to the nub of the issue. And, in fact, Madam Chairman, this is how our children see us. And it is, of course, these children who will grow up and write the history books of the future.

And what do my colleagues think they will have to say about us? How will we be portrayed? Will this Congress be portrayed as supporters of a system with integrity and honor, or one of money that is so powerful it can pull the Capitol of the United States from its very foundation?

Support Shays-Meehan.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentlewoman for yielding me this time, and I want to say that, yes, we are beginning this debate on campaign finance reform, but we dare not close our eyes. We may not ever end it, and we may not get a chance to vote on real campaign finance reform, and that is the Meehan-Shays legislation.

I hope I can go home and tell the children in my district that they are the ones that control and direct our efforts up here in the United States Congress and not the special interests. But, my colleagues, I have some special insight. Because as we are going through the bankruptcy revisions, we now see the impact of special interests who want us to eliminate provisions that would allow hard-working Americans, who have come upon hard times, who have had catastrophic illnesses, to be able to go into bankruptcy court fairly and honestly and save themselves and their homes and their children's homes.

We need to realize that real campaign finance reform is to get rid of the special interests. And real campaign finance reform is to vote for the Meehan-Shays, and not for the nongermane amendments, 500 of them, maybe, that will come up when we come back so we never get a chance to vote for Meehan-Shays.

I hope that does not happen. Vote for Meehan-Shays for real campaign finance reform for our children.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Chairman, I thank the gentlewoman for yielding me this time, and I rise in strong support of campaign finance reform.

I will vote for both the Shays-Meehan bill and the bipartisan freshman bill, because I think that those bills go a long, long way in helping to clear up the problems that we have, although I think we still have a long way to go.

The Buckley-Valeo decision by the Supreme Court, in my opinion, was one of the worst decisions that was ever put forth in the Supreme Court, equating free speech and money, saying that money, money and more money can be spent on campaigns. We have a situation where only millionaires can afford to run for office in this country. And that is the real threat to our democracy, when the average person can no longer run for office because it costs so much to run for office and the special interests so dominate it with money, money, and more money.

Public financing, in my opinion, is the way to go, because that would even the playing field and level the playing field. It is obvious we are not going to get that, so we need to have some kind of restrictions on the obscene amounts of money it takes to run for office in this country.

Are we saying that only wealthy people should serve in the United States Congress? We have more and more millionaires here. There is nothing wrong with millionaires, I wish I was one of them, but I do not think they are the only people that ought to serve in the U.S. Congress.

We need campaign finance reform, and we need it now. It is a threat to our democracy to do nothing. Let us move on this. Pass Shays-Meehan and the freshman bill.

Mr. THOMAS. Madam Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. UPTON), who has been involved extensively in the area of campaign finance reform.

Mr. UPTON. Madam Chairman, not too long ago I spent some time with one of the most distinguished journalists in this country, David Broeder. He made a very good point that the most popular thing that Americans watch and enjoy is probably NFL football or college football.

They do not focus on the missed pass patterns, the overthrown passes, the blocks that go awry. They look at the TDs, a Desmond Howard running back, a punt return, a Charles Woodson making a great defensive play in the end zone, a Brian Griese getting that touchdown pass in the Rose Bowl.

Sadly, our political system, indeed, focuses on the bad, the opposite, the negatives. So-and-so is against the elderly. They are a big spender. They are for higher taxes. They are for pornography, even kiddie porn. That is what we have come down to with these negatives.

And, sadly, those negatives are led not by the candidates. The candidates are not responsible for that kind of junk, but, instead, the independent interest groups that have taken over the system.

They have discovered a gigantic loophole. They have discovered that they can pour unlimited amounts of money into a campaign, hundreds of thousands, maybe even a million dollars. It is not reported, it is not disclosed, and, in fact, they have no direct responsibility.

Well, that buying of this House has got to end. It is time to return this House to the people's House.

I can remember not too long Speaker Foley did not really allow an open rule on campaign finance reform. A gentleman here by the name of Mike Synar, myself, and the gentleman from Louisiana (Mr. BOB LIVINGSTON) worked together on a bipartisan campaign plan, and it was a good one, and we were turned down by the Committee on Rules on a vote by just a handful of votes, 220 to 213.

I applaud our bill leadership, and I applaud the gentleman from California (Mr. BILL THOMAS) for working to construct the bipartisan vote that we had last night that is an open rule so that Members from every stripe in this Chamber can debate the issues for perhaps a couple of weeks based on the amendments that were filed, and we can sort this thing out and we can end some of these abuses and return this House to the people's House.

Madam Chairman, we need reform. The country wants reform. We want reform. Together, we can do it. Let us look at these issues. Let us look at all of the amendments and the substitutes. And, at the end of the day, let us not fall short and reject what comes out. Let us pass something and get it back to the Senate.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Washington State (Mr. ADAM SMITH), someone who has been waiting a long time this afternoon.

Mr. ADAM SMITH of Washington. Madam Chairman, I rise in strong support of the Shays-Meehan bill.

Let me first say that I think it is good that people are interested enough in the process to contribute money to a candidate and get involved. The key is to have a reasonable contribution limit so that some people do not have so much more influence than other people that those other people are discouraged from participating. Unfortunately, that is the system we have right now.

Shays-Meehan does a very good job of fixing that problem by banning soft money, limiting issue advocacy, and beefing up the enforcement mechanisms the FEC has to enforce the existing laws. I think placing reasonable limits on contributions makes sense, and Shays-Meehan maintains those limits.

I do want to caution folks about going too far down the road about how corrupt we are if we receive campaign money. I do not believe that to be the case. However, we do need to keep a ceiling on contributions so that certain individuals do not have undue influence. I think a limit of $1,000 per individual, $5,000 per PAC makes sense.

The problem is that between soft money and third-party expenditures, those limits have been rendered meaningless. Shays-Meehan takes a first step towards fixing that problem, and I urge my colleagues to support that bill.

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Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Madame Chairman, I rise today in strong support of the efforts to create real campaign finance reform. At the end of the day, it will not be what we said, what fingers we pointed at each other; it will be whether or not we actually got anything done. That is what people will judge us on.

I want to commend my colleagues in the freshman class who have worked so hard on both sides of the aisle to bring this issue forward and to put a bill in front of us that makes sense. Also, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) who have worked so hard to put together a bipartisan bill.

We have two opportunities in front of us, either of which moves us in the right direction. And I would encourage us not to get bogged down in finger pointing, not to get bogged down in 11 substitutes, over 500 amendments, but to instead, when we have the opportunity to come back in another week to vote on whether or not we want less money in the system or more, that we vote for less; whether we want more accountability, whether we want folks to be able to make up names and run ads without any accountability for us or for our constituents to know who they are, or whether we want fairness, whether we want accountability.

Let us vote for accountability. Let us vote for real campaign finance reform now.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Chairman, I thank the gentlewoman from Michigan for yielding me the time.

Literally, money talks; and when it speaks, it drowns out all other political discourse. Money has distorted, corrupted, and perverted our political system. It is time to get back to the basics of democracy. We are past the time for halfway and halfhearted patches on the system.

Belief that disclosure alone will remedy the problem is like belief in the tooth fairy. Solving the problem by just regulating soft money is about as likely to happen as expecting pigs to fly. I believe that the basic principles of campaign reform are these:

Take seriously some of the money out of the equation. Provide some public financing for all Federal campaigns. Set a limit on Federal candidates' use of private money. Provide voters with enough information, unfiltered, to make serious decisions. Create an independent agency that will report on the activities of all paid lobbyists, who and when they lobby.

It is only when we take the money out that democracy will come in.

The CHAIRMAN. The gentlewoman from Michigan (Ms. KILPATRICK) has 3¾ minutes remaining.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Madam Chairman, let me first say to my colleagues on the left and the right who seem so deeply concerned about the constitutional ramifications of a campaign finance package, I would remind them that next week when we return from our Memorial Day recess that one of our colleagues the gentleman from Oklahoma (Mr. ISTOOK) will bring a piece of legislation to the floor that seeks to rewrite the First Amendment in certainly more egregious ways than perhaps this campaign finance legislation will.

But I say to my colleagues on both sides of the aisle, what is it that we are afraid of when it relates to campaign finance reform? What is it that we are afraid of when we talk about taking less money? What is it that we are afraid of when we talk about less money in this entire political system?

This is the same body that had the courage to say to welfare recipients throughout this Nation, and I voted with them, we are going to place a 2-year time limit on them. We are going to limit the amount of funds. This is the same Congress that said to those in the Dakotas, when the floods ravaged those areas, we are going to make them wait for disaster aid relief.

What is it about campaign finance reform that irks and irritates so many in this Congress? I would hope that we can find the courage to reach down deep inside to find the courage that is needed to not only reform these laws and restore the integrity to this system but to do what is right for the future of this Nation and the next generation of Congresspeople that will occupy our seats.

Ms. KILPATRICK. Madam Chairman, I yield 1 minute to the gentleman from New York (Mr. SCHUMER).

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. SCHUMER. Madam Chairman, I thank the gentlewoman for yielding me the time.

Let me say this debate will test this House as it has not been tested in a decade. Admittedly, this is not the number one political issue on the minds of the public. Probably no one will lose their reelection because of it. But clearly, if we care about this Congress and care about this democracy, this is the issue that is driving the Government further and further and further from the people. Reform it we must. Those who love this democracy, those who believe in what the Founding Fathers said, should be on the side of this issue.

And second, I have heard more crocodile tears shed over the First Amendment from the very same people who spend a career bashing the National Endowment for the Arts and everything else that I am just amazed. Methinks that there is too much protest here.

I do not think the issue is the First Amendment. No amendment is absolute. I do not think that these newfound converts to the First Amendment fear that that amendment will be infringed. They try to infringe on it every week on the floor of this House. I think they are afraid of reform, they are afraid of government coming clean.

The CHAIRMAN. The gentlewoman from Michigan (Ms. KILPATRICK) has 1¾ minutes remaining.

Mr. THOMAS. Madam Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Chairman, if we like our legal system, after this debate on campaign finance reform, where we have 10 substitutes and over 300 amendments, we are going to love our campaign finance.

What we need to do is enforce the campaign finance laws that are on the books and work together to simplify so that the American people are being well-served. Now, a lot of people will say, well, this is a case of being able to have free speech. I think so. But simplicity is the path to strengthening our system and allowing Americans to finally trust their elected Federal officials.

We can gain a lot of credibility with the American people by actually investigating and enforcing the current laws. No one on this side of the aisle is talking about enforcing the current law, especially as it concerns fund-raising in churches, in Buddhist temples, campaign or other financial solicitation from executive office buildings, foreign contributions and other illegalities that occurred during the 1996 campaign cycle.

I believe we need to preserve the freedom of any individual or group to speak out on issues. Some of the proposals being offered clearly violate the First Amendment guarantee of free speech. Therefore, some of these proposals are clearly unconstitutional.

Let us pass sensible campaign finance reform that enjoys the widespread support of all the American people.

Ms. KILPATRICK. Madam Chairman, I yield 1¾ minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Madam Chairman, the debate here is how to instill confidence in the voters of this country and their elected officials. There is no place on earth where the connection between the elected and the electors is closer. But as the amounts of money rushing into campaigns through every possible back door and front door continue to grow, the American people's respect for this Government continues to diminish.

There is an advantage on the Republican side. I think their constituents are often less bothered by $100,000 contributions. We tend to represent blue collar people that are astounded by those numbers.

The Democratic record is clear. In 1971, we started with the FEC and overrode President Nixon's veto. In 1974, we passed campaign finance reform. Yes, the court gutted it. But remember, the Supreme Court for 50 years said separate and equal are okay, until 1954 in Brown v. Board of Education when they reversed themselves.

In 1993, the House, under Democratic leadership, passed the campaign finance reform; and in 1994 we put it on George Bush's desk to see him veto it. When President Clinton got elected, we got legislation through both houses and it was filibustered to death in the Senate. Had that gotten past the Senate filibuster, this President would have signed it.

Let us pass MCCAIN/FEINGOLD in its form in the House, get it to the Senate, and get those couple more votes we need to break the filibuster. We have more than a majority for reform in the Senate, and this President will sign the beginning of real campaign finance reform with the leadership of the men and women in this House of Representatives.

Mr. THOMAS. Madam Chairman, I yield myself the remaining 2 minutes.

We have heard the general debate on campaign reform; and true to form, it is an attempt to move the discussion to class warfare and righteous indignation. I would like to bring some of the fundamentals in focus, if I might.

We have heard a piece of legislation referred to on our side of the aisle as Shays/Meehan. We have heard that same legislation referred to on the other side of the aisle as Meehan/Shays. I think that pretty well sums up how significant the substance is. These people are so desperate in terms of the need to package this in a way that, their reform, that they actually reverse the name of the legislation.

In that CRS booklet that I provided my colleagues, I do apologize to my colleagues on the other side of the aisle, it is listed as Shays. He is the principal author. It is Shays/Meehan. But we will hear them repeatedly say Meehan/Shays. So much for substance. This is all about style on their part. We are concerned about the First Amendment, and we guarantee it will be protected.

For those of my colleagues who do not have the CRS copy, I am pleased to announce that by the end of business today, for those on the web, the cite is www.house.gov/cho. That is www.house.gov/cho for the Internet

copy of the Congressional Research Service's factual analysis of the various substitutes that will be in front of us.

Madam Chairman, I look forward to a substantive debate over the specifics of these issues, especially in regard to the constitutionality of the measures that we will be looking at.

Mr. FORD. Madam Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Tennessee.

Mr. FORD. Madam Chairman, I have the greatest respect for the gentleman from California (Mr. THOMAS). But what difference does it make if it is called Meehan/Shays or Shays/Meehan?

Mr. THOMAS. Madam Chairman, reclaiming my time, if it does not make any difference, why not call it by its proper name, Shays/Meehan?

Mr. FORD. Madam Chairman, if the gentleman would further yield, vote for Shays/Meehan then.

Mr. SANDERS. Mr. Speaker, Some may think the discussion of campaign finance reform is esoteric—not related to the real day to day problems and concerns of ordinary people. Wrong. If we are concerned to know why this country has the most unfair distribution of wealth in the industrialized world, and why the richest person in this country owns more wealth than the bottom 40 percent of our population-then you are talking about campaign finance reform, and the role that big money plays in the political process.

If you want to know why last year Congress gave huge tax breaks for the rich and large Corporations, and then proceeded to cut Medicare by 115 billion dollars—then you are talking about campaign reform, and the role that big money plays in the political process.

If you want to know why this country spends more money per capita on health care than any other industrialized country, and why 40 million Americans have no health insurance at the same time as insurance companies and pharmaceutical companies make huge profits—then you are talking about campaign finance reform and the role that big money plays in the political process.

And on and on it goes. The rich get richer, the middle class shrinks and we have the highest rate of childhood poverty in the industrialized world-and big money plays a major role in determining the agenda of both political parties.

Mr. Speaker, the current campaign finance system is obscene and the situation is becoming worse and worse everyday.

Our republican friends have recently made allegations against President Clinton regarding the influence that campaign contributions might have had on the Presidents policy towards China and Chinese missiles. This is a very serious allegation that should be fully and fairly investigated, but so should the role that campaign contributions play in our tobacco policy, in our health care policy, in our banking policy, in our environmental policy, and in many other areas.

Since 1991 the pharmaceutical industry has given more that 18 million dollars in political contributions and today we have the highest cost of prescription drugs in the world. The oil gas and chemical industries have provided over 24 million dollars in campaign contributions, and they get away with murder in terms of environmental destruction.

Some in this body say that the problem is with labor unions and the big money that labor spends. In the 1995–1996 election cycle corporations and groups and individuals representing business interests out spent labor 12 to 1. In fact, the wealthiest one quarter of one percent provides 80 percent of the campaign contributions and it is incomprehensible that some want to relax restrictions and enable the rich to contribute even more.

Mr. Speaker, this congress must end the obscenity of the current system which allows big money to buy and sell politicians like we were just another commodity.

This congress can learn a lot from my own state of Vermont which has passes serious campaign finance reform which severely limits the power of big money over the political process. Ultimately, what this congress must do is eliminate soft money completely; limit the total amount of money that can be spent in a campaign by a candidate, and move us in the direction of matching public funding with small individual contributions.

The day must come when once more in this country democracy means one person one vote, and not the current obscenity in which multinational corporations and individuals control the process.

Mr. DELAY. Mr. Chairman, a diverse coalition of citizens groups ranging from the American Civil Liberties Union (ACLU) to the National Right to Life (NRLC) have demonstrated that the Shays/Meehan and the Hutchinson campaign reform bills are nothing short of attacks on freedom of speech.

I hope my colleagues will take some time to read the following analysis distributed by National Right to Life Committee. The NRLC correctly points out that these two bills contain patently unconstitutional government regulations that should not be supported by the House of Representatives.

THE SHAYS-MEEHAN BILL'S YEAR-ROUND RESTRICTIONS ON FIRST AMENDMENT RIGHTS

The most recent version of the Shays-Meehan bill (H.R. 3526) is taken from the September 29, 1997 version of the Senate McCain-Feingold bill. This bill contains multiple provisions that blatantly violate the Supreme Court's long-established First Amendment rulings. In Buckley v. Valeo (1976) and later cases, the Court has emphatically held that the government may not regulate commentary on politicians except for ''express advocacy,'' a term that the Court has said must be confined to communications that use explicit words to expressly urge a vote for or against an identified candidate.

As the Court stated in Buckley, ''So long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate [i.e., ''express advocacy''], they are free to spend as much as they want to promote the candidate and his views.'' Such constitutionally protected commentary on politicians' positions is referred to by the legal term of art issue advocacy. This memo summarizes multiple provisions of the Shays-Meehan bill that infringe on such constitutionally protected speech.[1]

YEAR-ROUND RESTRICTIONS ON CONSTITUTIONALLY PROTECTED SPEECH

1. The bill would redefine illegal corporate campaign activity so broadly that, at any time of any year, a non-PAC incorporated organization would risk being the target of a complaint to the Federal Election Commission (FEC), alleging illegal corporate campaign expenditures, and subsequent costly investigation and litigation, any time it issues a print, broadcast, or other type of communication to the public that mentions the name of a Member of Congress (or other candidate) with any sort of explicit or implicit viewpoint regarding the rightness or wrongness of that politician's position. This is because any such commentary could be viewed by some politician or regulator as constituting ''unmistakable and unambiguous support for or opposition to'' a candidate, which the bill would redefine as ''express advocacy.'' (Section 201) For example, if NRLC distributed a brochure that contained a description of partial-birth abortion, followed by the simple statement, ''On May 20, 1997, Senator Russ Feingold voted against banning the brutal partial-birth abortion procedure,'' NRLC would risk being subjected to investigation and prosecution for engaging in speech that expressed ''unmistakable . . . opposition'' to Senator Feingold.

2. Moreover, if a non-PAC organization is deemed to have established ''coordination'' with a lawmaker or other ''candidate'' (even by sharing a vendor—see #4 below), it would be banned (at any time of any year) from issuing any communication to the public that names that ''candidate'' and ''is for the purpose of influencing a Federal election.'' This is an extremely vague and sweeping restriction that applies, as the bill says, ''regardless of whether the communication is express advocacy.'' (See Section 201, definition of ''expenditure.'')

3. In addition, under Section 205, at any time of any year, a non-PAC incorporated citizen group, if it has established ''coordination'' (see #4 below), is prohibited from issuing any communication to the public that is ''of value'' to a candidate, ''regardless of whether the value being provided is a communication that is express advocacy.'' Such a communication is prohibited, as an illegal campaign ''contribution,'' even if the communication contains the name of no candidate. This could apply, for example, to an ad in a newspaper that mentions the name of no politician, but that calls for a ban on partial-birth abortions, if a politician complains that the ad was ''of value'' to a political opponent who opposes partial-birth abortion.

DEFINITION OF ''COORDINATION'' PLACES UNCONSTITUTIONAL RESTRICTIONS ON LOBBYING ACTIVITIES AND ISSUE ADVOCACY

4. The restrictions described in items #2 and #3 above apply to any group that is deemed to have established ''coordination'' with a candidate. The bill (Section 205) vastly expands the current definition of ''coordination,'' in 10 separate clauses, so that an organization that communicates with members of Congress regarding public policy matters would be at constant risk of falling over these ''coordination'' tripwires. For example:

Many public policy organizations gather information on the positions of members of Congress on certain issues through use of a written questionnaire, and then disseminate that information in communications to the pubic. But the submission and return of such a questionnaire, with intent to publicize the information obtained, would fall under one of Section 205's multiple definitions of ''coordination''—that is, a communication based on a ''general or particular understanding with a candidate''—and therefore would be an illegal corporate campaign expenditure.

[1] For a fuller analysis of this bill, see NRLC's memo, ''An Analysis of the Speech-Restriction Provisions of the Shays-Meehan Bill (H.R. 3526).'' For an examination of statements by advocates of the bill, and their implications, see ''Do American Voters Need Speech Nannies?'' by NRLC Legislative Director Douglas Johnson (Sept. 30, 1997), available at www.nrlc.org/dimwit.html.

Another provision, declaring that an organization is ''coordinated'' if it has engaged in ''policymaking discussions'' with a ''candidate's campaign,'' could apply to routine attempts by public policy groups to persuade lawmakers of the merits of the organization's positions (i.e., lobbying).

Another provision would define ''coordination'' as the mere sharing of a single professional vendor (a printer, artist, or pollster, for example), during a two-year period, with a congressional candidate.

THE FIRST AMENDMENT DOES NOT ALLOW LAWMAKERS TO PROHIBIT NON-PAC GROUPS FROM MENTIONING THEIR NAMES

5. In addition to the restrictions described above, within 60 days of a congressional primary election (which occur as early as March 1) or a general election, Section 201 places an absolute ban on any non-PAC group broadcasting a communication that even mentions the name of a ''candidate,'' which includes all incumbent members of Congress. This provision does not only require ''disclosure'' of funding sources for such communications. Rather, it bans the naming of politicians in broadcast communications to the public, unless they are conducted under the entire panoply of restrictions that apply to PACs—in other words, only federal PACs are permitted to sponsor such ''politician-mentioning'' communications. This ban would apply even to ads alerting citizens to upcoming votes in Congress. [For further discussion of the implications of allowing only PACs to sponsor politician-mentioning communications, see the NRLC memorandum, ''An Analysis of the Speech-Restrictive Provisions of the Shays-Meehan Bill (HR 3526).'']

THE FIRST AMENDMENT DOES NOT PERMIT LAWMAKERS TO DICTATE ''SPEECH SPECIFICATIONS'' FOR DISCUSSION OF THEIR VOTING RECORDS

6. Sponsors of the bill make much of a so-called ''exception'' (in Section 201) for printed material about voting records and positions. But legal analysis of the so-called ''exception'' reveals that it actually underscores the sweeping restrictions implicit in the underlying definitions. The ''exception'' would not allow, but rather effectively defines as illegal corporate campaign expenditures and thereby bans (to non-PACs), at any time of any year, any printed materials (such as typical ''scorecards'' and voter guides) that fail to conform to a series of ''speech specifications.''

For example, to qualify for the ''exception'' a publication must be confined ''solely'' to information regarding votes or positions, and must be presented ''in an educational manner''—in other words, interpretation or commentary would be verboten. Even if these requirements are met, the ''exception'' explicitly excludes publications that discuss the position on only one ''candidate''—for example, a newspaper ad that urges letters and calls to a single local congressman about an upcoming vote in Congress. But under the First Amendment, Congress has no authority whatever to impose such restrictions on the right of citizen groups to disseminate and comment on lawmakers' voting records or upcoming votes.

''SOFT MONEY'' BAN UNCONSTITUTIONALLY NULLIFIES THE RIGHT OF POLITICAL PARTIES TO ENGAGE IN UNRATIONED ISSUE ADVOCACY

7. The bill (Section 101) completely prohibits organs of the national political parties from receiving so-called ''soft money''—a term that really refers to all funds that are not rationed and controlled by the Federal Election Campaign Act (FECA). This is unconstitutional. Under rulings of the U.S. Supreme Court, the First Amendment protects the right of political parties to sponsor communications that discuss issues, or the positions of officeholders or officeseekers on those issues (''issue advocacy''), without being subjected to the rationing laws that the FECA applies to communications that contain explicit endorsements of candidates (''express advocacy''). The bill would effectively nullify political parties' First Amendment right to engage in issue advocacy, by requiring that all party ads be conducted under the restrictions that currently apply only to express advocacy communications (since the parties would be prohibited from raising any money that did not conform to those restrictions). If ''reform'' advocates successfully obliterate the distinction between issue advocacy and express advocacy with respect to political parties, they will then redouble their attacks on issue advocacy by citizen groups such as NRLC. Those who support free speech about political figures should oppose all restrictions on issue advocacy, whether engaged in by political parties, citizen groups, or others.

THE HUTCHINSON ''FRESHMAN'' BILL (HR 2183) VIOLATES THE FIRST AMENDMENT RIGHTS OF CITIZEN GROUPS, POLITICAL PARTIES, AND MEMBERS OF CONGRESS

When the House of Representatives soon revisits the issue of ''campaign finance reform,'' the ''base bill'' will be HR 2183, sponsored by Rep. Asa Hutchinson (R–Ark.), sometimes referred to as the ''freshman'' bill. NRLC strongly opposes the Hutchinson bill. This memo summarizes the most objectionable elements of the bill.

UNCONSTITUTIONAL REGULATION OF CITIZEN GROUPS' COMMUNICATIONS TO THE PUBLIC

HR 2183 attempts to assert congressional authority to monitor and regulate citizen groups' broadcast communications to the public, in any month of any year, merely on grounds that a communication mentions a member of Congress or other federal politician. The bill would require that sponsoring organizations report such communications to Congress. This proposed requirement violates both the general constitutional immunity of issue advocacy from governmental regulation, enforced in numerous court decisions, and the specific holdings of the Supreme Court in the 1995 case of McIntyre v. Ohio Elections Commission, a 7–2 affirmation of the First Amendment right to engage in anonymous issue advocacy.

The Hutchinson requirement would apply whenever a group spends in a year (1) $25,000 on communications ''relating to'' (mentioning) a single politician, or (2) $100,000 on all ''politician-mentioning'' communications nationally. Once a group has spent an aggregate total of $100,000 on broadcast communications that name politicians—even if they pertain solely to upcoming votes on legislation—then EVERY such expenditure must be reported to Congress, even a $100 radio ad.

UNCONSTITUTIONAL BAN ON ''SOFT MONEY''

The bill completely prohibits organs of the national political parties from receiving so-called ''soft money''—a term that really refers to all funds that are not rationed and controlled by the Federal Election Campaign Act (FECA). This is unconstitutional. Under rulings of the U.S. Supreme Court, the First Amendment protects the right of political parties to sponsor communications that discuss issues, or the positions of officeholders or officeseekers on those issues (called ''issue advocacy''), without being subjected to the rationing laws that FECA applies to communications that contain explicit endorsements of candidates (called ''express advocacy''). The bill would effectively nullify political parties' First Amendment right to engage in issue advocacy, by requiring that all party ads be conducted under the restrictions that currently apply to express advocacy communications (since the parties would be prohibited from raising any money that did not conform to those restrictions).

If ''reform'' advocates successfully obliterate the distinction between issue advocacy and express advocacy with respect to political parties, they will then redouble their attacks on issue advocacy by citizen groups such as NRLC. Those who support free speech about political figures should oppose all restrictions on issue advocacy, whether engaged in by political parties, citizen groups, or others.

UNCONSTITUTIONAL BAN ON ENDORSEMENTS BY MEMBERS OF CONGRESS

The bill would make it unlawful for any Member of Congress to endorse the fundraising or membership-recruitment efforts of a citizen group, such as NRLC, which at any time of any year engages in ''any communication which refers to a clearly identified candidate for election for Federal office,'' which includes all incumbents except those who have announced their retirement.

In other words, an organization becomes ''tainted'' if it issues any communication, at any time of the year, that so much as mentions the name of a member of Congress. For example, if an organization sponsors a single newspaper ad or sends out a single newsletter saying that a lawmaker will be voting or has already voted on a certain bill, this restriction would be triggered. Such a mettlesome organization would no longer be eligible to receive the endorsement of any member of Congress. Communications that mention the names of lawmakers are a pervasive ingredient in NRLC's overall pro-life advocacy, throughout the year, so the bill effectively prohibits lawmakers from endorsing NRLC's fundraising efforts, as Congressman Henry Hyde and others have done in the past.

The concept underlying this provision—that there is something ''corrupting'' about Members of Congress endorsing the work of issue-oriented organizations with which they agree—is very offensive. This provision in effect applies an unconstitutional penalty to NRLC for exercising its First Amendment right to engage in commentary on a federal politician, and also violates NRLC's constitutional right of association. Moreover, this proposed endorsement ban is an unconstitutional infringement on the rights of association and freedom of speech of each and every Member of Congress.

The CHAIRMAN. All time for general debate has expired.

Mr. THOMAS. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 2400, TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Mr. SHUSTER submitted the following conference report and statement on

the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–550)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2400), to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Transportation Equity Act for the 21st Century''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Authorization of appropriations.
Sec. 1102. Obligation ceiling.
Sec. 1103. Apportionments.
Sec. 1104. Minimum guarantee.
Sec. 1105. Revenue aligned budget authority.
Sec. 1106. Federal-aid systems.
Sec. 1107. Interstate maintenance program.
Sec. 1108. Surface transportation program.
Sec. 1109. Highway bridge program.
Sec. 1110. Congestion mitigation and air quality improvement program.
Sec. 1111. Federal share.
Sec. 1112. Recreational trails program.
Sec. 1113. Emergency relief.
Sec. 1114. Highway use tax evasion projects.
Sec. 1115. Federal lands highways program.
Sec. 1116. Woodrow Wilson Memorial Bridge.
Sec. 1117. Appalachian development highway system.
Sec. 1118. National corridor planning and development program.
Sec. 1119. Coordinated border infrastructure and safety program.

Subtitle B—General Provisions

Sec. 1201. Definitions.
Sec. 1202. Bicycle transportation and pedestrian walkways.
Sec. 1203. Metropolitan planning.
Sec. 1204. Statewide planning.
Sec. 1205. Contracting for engineering and design services.
Sec. 1206. Access of motorcycles.
Sec. 1207. Construction of ferry boats and ferry terminal facilities.
Sec. 1208. Training.
Sec. 1209. Use of HOV lanes by inherently low-emission vehicles.
Sec. 1210. Advanced travel forecasting procedures program.
Sec. 1211. Amendments to prior surface transportation laws.
Sec. 1212. Miscellaneous.
Sec. 1213. Studies and reports.
Sec. 1214. Federal activities.
Sec. 1215. Designated transportation enhancement activities.
Sec. 1216. Innovative surface transportation financing methods.
Sec. 1217. Eligibility.
Sec. 1218. Magnetic levitation transportation technology deployment program.
Sec. 1219. National scenic byways program.
Sec. 1220. Elimination of regional office responsibilities.
Sec. 1221. Transportation and community and system preservation pilot program.
Sec. 1222. Additions to Appalachian region.

Subtitle C—Program Streamlining and Flexibility

Sec. 1301. Real property acquisition and corridor preservation.
Sec. 1302. Payments to States for construction.
Sec. 1303. Proceeds from the sale or lease of real property.
Sec. 1304. Engineering cost reimbursement.
Sec. 1305. Project approval and oversight.
Sec. 1306. Standards.
Sec. 1307. Design-build contracting.
Sec. 1309. Major investment study integration.
Sec. 1309. Environmental streamlining.
Sec. 1310. Uniform transferability of Federal-aid highway funds.

Subtitle D—Safety

Sec. 1401. Hazard elimination program.
Sec. 1402. Roadside safety technologies.
Sec. 1403. Safety incentive grants for use of seat belts.

Subtitle E—Finance

Sec. 1501. Short title.
Sec. 1502. Findings.
Sec. 1503. Establishment of program.
Sec. 1504. Duties of the Secretary.

Subtitle F—High Priority Projects

Sec. 1601. High priority projects program.
Sec. 1602. Project authorizations.
Sec. 1603. Special rule.

TITLE II—HIGHWAY SAFETY

Sec. 2001. Highway safety programs.
Sec. 2002. Highway safety research and development.
Sec. 2003. Occupant protection.
Sec. 2004. Alcohol-impaired driving countermeasures.
Sec. 2005. State highway safety data improvements.
Sec. 2006. National Driver Register.
Sec. 2007. Safety studies.
Sec. 2008. Effectiveness of laws establishing maximum blood alcohol concentrations.
Sec. 2009. Authorizations of appropriations.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 3001. Short title.
Sec. 3002. Amendments to title 49, United States Code.
Sec. 3003. Definitions.
Sec. 3004. Metropolitan planning.
Sec. 3005. Transportation improvement program.
Sec. 3006. Transportation management areas.
Sec. 3007. Urbanized area formula grants.
Sec. 3008. Clean fuels formula grant program.
Sec. 3009. Capital investment grants and loans.
Sec. 3010. Dollar value of mobility improvements.
Sec. 3011. Local share.
Sec. 3012. Inteligent transportation systems applications.
Sec. 3013. Formula grants and loans for special needs of elderly individuals and individuals with disabilities.
Sec. 3014. Formula program for other than urbanized areas.
Sec. 3015. Research, development, demonstration, and training projects.
Sec. 3016. National planning and research programs.
Sec. 3017. National transit institute.
Sec. 3018. Bus testing facilities.
Sec. 3019. Bicycle facilities.
Sec. 3020. General provisions on assistance.
Sec. 3021. Pilot program for intercity rail infrastructure investment from mass transit account of highway trust fund.
Sec. 3022. Contract requirements.
Sec. 3023. Special procurements.
Sec. 3024. Project management oversight and review.
Sec. 3025. Administrative procedures.
Sec. 3026. Reports and audits.
Sec. 3027. Apportionment of appropriations for formula grants.
Sec. 3028. Apportionment of appropriations for fixed guideway modernization.
Sec. 3029. Authorizations.
Sec. 3030. Projects for new fixed guideway systems and extensions in existing systems.
Sec. 3031. Projects for bus and bus-related facilities.
Sec. 3032. Contracting out study.
Sec. 3033. Urbanized area formula study.
Sec. 3034. Coordinated transportation services.
Sec. 3035. Final assembly of buses.
Sec. 3036. Clean fuel vehicles.
Sec. 3037. Job access and reverse commute grants.
Sec. 3038. Rural transportation accessibility incentive program.
Sec. 3039. Study of transit needs in national parks and related public lands.
Sec. 3040. Obligation ceiling.
Sec. 3041. Adjustment for the Surface Transportation Extension Act of 1997.

TITLE IV—MOTOR CARRIER SAFETY

Sec. 4001. Amendments to title 49, United States Code.
Sec. 4002. Statement of purposes.
Sec. 4003. State grants.
Sec. 4004. Information systems.
Sec. 4005. Automobile transporter defined.
Sec. 4006. Inspections and reports.
Sec. 4007. Waivers, exemptions, and pilot programs.
Sec. 4008. Safety regulation.
Sec. 4009. Safety fitness.
Sec. 4010. Repeal of certain obsolete miscellaneous authorities.
Sec. 4011. Commercial vehicle operators.
Sec. 4012. Exemption from certain regulations for utility service commercial motor vehicle drivers.
Sec. 4013. Participation in international registration plan and international fuel tax agreement.
Sec. 4014. Safety performance history of new drivers; limitation on liability.
Sec. 4015. Penalties.
Sec. 4016. Authority over charter bus transportation.
Sec. 4017. Telephone hotline for reporting safety violations.
Sec. 4018. Insulin treated diabetes mellitus.
Sec. 4019. Performance-based CDL testing.
Sec. 4020. Post-accident alcohol testing.
Sec. 4021. Driver fatigue.
Sec. 4022. Improved flow of driver history pilot program.
Sec. 4023. Employee protections.
Sec. 4024. Improved interstate school bus safety.
Sec. 4025. Truck trailer conspicuity.
Sec. 4026. DOT implementation plan.
Sec. 4027. Study of adequacy of parking facilities.
Sec. 4028. Qualifications of foreign motor carriers.
Sec. 4029. Federal motor carrier safety inspectors.
Sec. 4030. School transportation safety.
Sec. 4031. Designation of New Mexico commercial zone.
Sec. 4032. Effects of MCSAP grant reductions.

TITLE V—TRANSPORTATION RESEARCH

Subtitle A—Funding

Sec. 5001. Authorization of appropriations.
Sec. 5002. Obligation ceiling.
Sec. 5003. Notice.

Subtitle B—Research and Technology

Sec. 5101. Research and technology program.
Sec. 5102. Surface transportation research.
Sec. 5103. Technology deployment.
Sec. 5104. Training and education.
Sec. 5105. State planning and research.
Sec. 5106. International highway transportation outreach program.

Sec. 5107. Surface transportation-environment cooperative research program.
Sec. 5108. Surface transportation research strategic planning.
Sec. 5109. Bureau of Transportation Statistics.
Sec. 5110. University transportation research.
Sec. 5111. Advanced vehicle technologies program.
Sec. 5112. Study of future strategic highway research program.
Sec. 5113. Commercial remote sensing products and spatial information technologies.
Sec. 5114. Sense of Congress on the year 2000 problem.
Sec. 5115. International trade traffic.
Sec. 5116. University grants.
Sec. 5117. Transportation technology innovation and demonstration program.
Sec. 5118. Drexel University Intelligent Infrastructure Institute.
Sec. 5119. Conforming amendments.

Subtitle C—Intelligent Transportation Systems

Sec. 5201. Short title.
Sec. 5202. Findings.
Sec. 5203. Goals and purposes.
Sec. 5204. General authorities and requirements.
Sec. 5205. National ITS program plan.
Sec. 5206. National architecture and standards.
Sec. 5207. Research and development.
Sec. 5208. Intelligent transportation system integration program.
Sec. 5209. Commercial vehicle intelligent transportation system infrastructure deployment.
Sec. 5210. Use of funds.
Sec. 5211. Definitions.
Sec. 5212. Project funding.
Sec. 5213. Repeal.

TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

Sec. 6101. Findings and purpose.
Sec. 6102. Particulate matter monitoring program.
Sec. 6103. Ozone designation requirements.
Sec. 6104. Additional provisions.

TITLE VII—MISCELLANEOUS

Subtitle A—Automobile Safety and Information

Sec. 7101. Short title.
Sec. 7102. Authorizations of appropriations.
Sec. 7103. Improving air bag safety.
Sec. 7104. Restrictions on lobbying activities.
Sec. 7105. Odometers.
Sec. 7106. Miscellaneous amendments.
Sec. 7107. Importation of motor vehicle for show or display.

Subtitle B—Railroads

Sec. 7201. High-speed rail.
Sec. 7202. Light density rail line pilot projects.
Sec. 7203. Railroad rehabilitation and improvement financing.
Sec. 7204. Alaska Railroad.

Subtitle C—Comprehensive One-Call Notification

Sec. 7301. Findings.
Sec. 7302. One-call notification programs.

Subtitle D—Sportfishing and Boating Safety

Sec. 7401. Short title; amendment of 1950 Act.
Sec. 7402. Outreach and communications programs.
Sec. 7403. Clean Vessel Act funding.
Sec. 7404. Boating infrastructure.
Sec. 7405. Boat safety funds.

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE AND BUDGET OFFSETS

Subtitle A—Transportation Discretionary Spending Guarantee

Sec. 8101. Discretionary spending categories.
Sec. 8102. Conforming the Paygo Scorecard with this Act.
Sec. 8103. Level of obligation limitations.

Subtitle B—Veterans' Benefits

Sec. 8201. Short title.
Sec. 8202. Prohibition on establishment of service-connection for disabilities relating to use of tobacco products.
Sec. 8203. Twenty percent increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 8204. Increase in assistance amount for specially adapted housing.
Sec. 8205. Increase in amount of assistance for automobile and adaptive equipment for certain disabled veterans.
Sec. 8206. Increase in aid and attendance rates for veterans eligible for pension.
Sec. 8207. Eligibility of certain remarried surviving spouses for reinstatement of dependency and indemnity compensation upon termination of that remarriage.
Sec. 8208. Extension of prior revision to offset rule for department of defense special separation benefit program.
Sec. 8209. Sense of Congress concerning recovery from tobacco companies of costs of treatment of veterans for tobacco-related illnesses.

Subtitle C—Temporary Student Loan Provision.

Sec. 8301. Temporary student loan provision.

Subtitle D—Block Grants for Social Services

Sec. 8401. Block grants for social services.

TITLE IX—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

Sec. 9001. Short title; amendment of 1986 Code.
Sec. 9002. Extension of highway-related taxes and trust fund.
Sec. 9003. Extension and modification of tax benefits for alcohol fuels.
Sec. 9004. Modifications to Highway Trust Fund.
Sec. 9005. Provisions relating to Aquatic Resources Trust Fund.
Sec. 9006. Repeal of 1.25 cent tax rate on rail diesel fuel.
Sec. 9007. Additional qualified expenses available to non-Amtrak States.
Sec. 9008. Delay in effective date of new requirement for approved diesel or kerosene terminals.
Sec. 9009. Simplified fuel tax refund procedures.
Sec. 9010. Election to receive taxable cash compensation in lieu of nontaxable qualified transportation fringe benefits.
Sec. 9011. Repeal of National Recreational Trails Trust Fund.
Sec. 9012. Identification of limited tax benefits subject to line item veto.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) INTERSTATE SYSTEM.—The term ''Interstate System'' has the meaning such term has under section 101 of title 23, United States Code.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $3,427,341,000 for fiscal year 1998, $3,957,103,000 for fiscal year 1999, $3,994,524,000 for fiscal year 2000, $4,073,322,000 for fiscal year 2001, $4,139,630,000 for fiscal year 2002, and $4,217,635,000 for fiscal year 2003.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of such title $4,112,480,000 for fiscal year 1998, $4,748,523,000 for fiscal year 1999, $4,793,429,000 for fiscal year 2000, $4,887,986,000 for fiscal year 2001, $4,967,556,000 for fiscal year 2002, and $5,061,162,000 for fiscal year 2003.

(3) BRIDGE PROGRAM.—For the bridge program under section 144 of such title $2,941,454,000 for fiscal year 1998, $3,395,354,000 for fiscal year 1999, $3,427,472,000 for fiscal year 2000, $3,495,104,000 for fiscal year 2001, $3,552,016,000 for fiscal year 2002, and $3,618,966,000 for fiscal year 2003.

(4) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of such title $4,797,620,000 for fiscal year 1998, $5,539,944,000 for fiscal year 1999, $5,592,333,000 for fiscal year 2000, $5,702,651,000 for fiscal year 2001, $5,795,482,000 for fiscal year 2002, and $5,904,689,000 for fiscal year 2003.

(5) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of such title $1,192,619,000 for fiscal year 1998, $1,345,415,000 for fiscal year 1999, $1,358,138,000 for fiscal year 2000, $1,384,930,000 for fiscal year 2001, $1,407,474,000 for fiscal year 2002, and $1,433,996,000 for fiscal year 2003.

(6) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM.—For the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) $450,000,000 for each of fiscal years 1999 through 2003.

(7) RECREATIONAL TRAILS PROGRAM.—For the recreational trails program under section 206 of such title $30,000,000 for fiscal year 1998, $40,000,000 for fiscal year 1999, and $50,000,000 for each of fiscal years 2000 through 2003.

(8) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of such title $225,000,000 for fiscal year 1998 and $275,000,000 for each of fiscal years 1999 through 2003.

(B) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of such title $196,000,000 for fiscal year 1998 and $246,000,000 for each of fiscal years 1999 through 2003.

(C) PARK ROADS AND PARKWAYS.—For park roads and parkways under section 204 of such title $115,000,000 for fiscal year 1998 and $165,000,000 for each of fiscal years 1999 through 2003.

(D) REFUGE ROADS.—For refuge roads under section 204 of such title $20,000,000 for each of fiscal years 1999 through 2003.

(9) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—For the national corridor planning and development and coordinated border infrastructure programs under sections 1118 and 1119 of this Act $140,000,000 for each of fiscal years 1999 through 2003.

(10) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) $30,000,000 for each of fiscal year 1998 and $38,000,000 for each of fiscal years 1999 through 2003.

(11) NATIONAL SCENIC BYWAYS PROGRAM.—For the national scenic byways program under section 162 of title 23, United States Code, $23,500,000 for each of fiscal years 1998 and 1999, $24,500,000 for each of fiscal years 2000 and 2001, and $25,500,000 for fiscal year 2002, and $26,500,000 for fiscal year 2003.

(12) VALUE PRICING PILOT PROGRAM.—For the value pricing pilot program under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) $7,000,000 for fiscal year 1999, and $11,000,000 for each of fiscal years 2000 through 2003.

(13) HIGH PRIORITY PROJECTS PROGRAM.—For the high priority projects program under section 117 of title 23, United States Code, $1,025,695,000 for fiscal year 1998, $1,398,675,000 for fiscal year 1999, $1,678,410,000 for fiscal year 2000, $1,678,410,000 for fiscal year 2001, $1,771,655,000

for fiscal year 2002, and $1,771,655,000 for fiscal year 2003.

(14) HIGHWAY USE TAX EVASION PROJECTS.—For highway use tax evasion projects under section 143 of such title $5,000,000 for each of fiscal years 1998 through 2003.

(15) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 1214(r) of this Act $110,000,000 for fiscal years 1998 through 2003.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) GENERAL RULE.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in paragraph (1) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(4) UNIFORM CERTIFICATION.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(5) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

(6) REVIEW BY COMPTROLLER GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of paragraph (1), including an analysis of—

(A) in the case of small business concerns certified in each State under paragraph (4) as owned and controlled by socially and economically disadvantaged individuals—

(i) the number of the small business concerns; and

(ii) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, III, and V of this Act;

(B) in the case of small business concerns described in subparagraph (A) that receive prime contracts and subcontracts funded under titles I, III, and V of this Act—

(i) the number of the small business concerns;

(ii) the annual gross receipts of the small business concerns; and

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

(C) in the case of small business concerns described in subparagraph (A) that do not receive prime contracts and subcontracts funded under titles I, III, and V of this Act—

(i) the annual gross receipts of the small business concerns; and

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

(D) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, III, and V of this Act, other than small business concerns described in subparagraph (B)—

(i) the annual gross receipts of the business concerns; and

(ii) the net worth of individuals that own and control the business concerns;

(E) the rate of graduation from any programs carried out to comply with the requirement of paragraph (1) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(F) the overall cost of administering the requirement of paragraph (1), including administrative costs, certification costs, additional construction costs, and litigation costs;

(G) any discrimination on the basis of race, color, national origin, or sex against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(H)(i) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, III, and V of this Act; and

(ii) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(I) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(J) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(i) the issuance of a final order described in paragraph (5) by a Federal court that suspends a program established under paragraph (1); or

(ii) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(K) the impact of the requirement of paragraph (1), and any program carried out to comply with paragraph (1), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

SEC. 1102. OBLIGATION CEILING.

(a) GENERAL LIMITATION.—Notwithstanding any other provision of law but subject to subsections (g) and (h), the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

(1) $21,500,000,000 for fiscal year 1998;

(2) $25,431,000,000 for fiscal year 1999;

(3) $26,155,000,000 for fiscal year 2000;

(4) $26,651,000,000 for fiscal year 2001;

(5) $27,235,000,000 for fiscal year 2002; and

(6) $27,681,000,000 for fiscal year 2003.

(b) EXCEPTIONS.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of enactment of this Act; and

(8) under section 105 of title 23, United States Code but, for each of fiscal years 1998 through 2007, only in an amount equal to $639,000,000 per fiscal year.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 1998 through 2003, the Secretary shall—

(1) not distribute obligation authority provided by subsection (a) for such fiscal year for amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics;

(2) not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation authority provided by subsection (a) for such fiscal year less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) for section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of such title (relating to minimum guarantee) so that amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under this Act and title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation authority provided by subsection (a) less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under this Act and title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall after August 1 of each of fiscal years 1998 through 2003 revise a distribution of the obligation authority made available under subsection (c) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, under section 160 of title 23, United States Code (as in effect on the day before the date of enactment of this Act), and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations imposed by subsection (a) shall apply to transportation research programs carried out under chapter 3 of title 23, United States Code, and under title VI of this Act.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation authority under subsection (c) for each of fiscal years 1998 through 2003, the Secretary shall distribute to the States any funds (1) that are authorized to be appropriated for such fiscal year for Federal-aid highway programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (c)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(g) SPECIAL RULE.—Obligation authority distributed for a fiscal year under subsection (c)(4) for a section set forth in subsection (c)(4) shall remain available until used for obligation of funds for such section and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(h) INCREASE IN OBLIGATION LIMIT.—Limitations on obligations imposed by subsection (a) for a fiscal year shall be increased by an amount equal to the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(ii)(I)(cc)) for such fiscal year. Any such increase shall be distributed in accordance with this section.

(i) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

(1) $320,000,000 for fiscal year 1998;
(2) $350,000,000 for fiscal year 1999;
(3) $370,000,000 for fiscal year 2000;
(4) $390,000,000 for fiscal year 2001;
(5) $410,000,000 for fiscal year 2002; and
(6) $430,000,000 for fiscal year 2003.

SEC. 1103. APPORTIONMENTS.

(a) ADMINISTRATIVE EXPENSES.—Section 104 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—Whenever an apportionment is made of the sums made available for expenditure on each of the surface transportation program under section 133, the bridge program under section 144, the congestion mitigation and air quality improvement program under section 149, the Interstate and National Highway System program under section 103, the minimum guarantee program under section 105, the Federal lands highway program under section 204, or the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), the Secretary shall deduct a sum, in an amount not to exceed 1½ percent of all sums so made available, as the Secretary determines necessary—

''(A) to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2; and

''(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system.

''(2) CONSIDERATION OF UNOBLIGATED BALANCES.—In making the determination described in paragraph (1), the Secretary shall take into account the unobligated balance of any sums deducted under this subsection in prior fiscal years.

''(3) AVAILABILITY.—The sum deducted under paragraph (1) shall remain available until expended.''.

(b) APPORTIONMENTS.—Section 104(b) of such title is amended to read as follows:

''(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-aside authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated 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 several States in the following manner:

''(1) NATIONAL HIGHWAY SYSTEM COMPONENT.—

''(A) IN GENERAL.—For the National Highway System (excluding funds apportioned under paragraph (4)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands, $18,800,000 for each of fiscal years 1999 through 2003 for the Alaska Highway, and the remainder apportioned as follows:

''(i) 25 percent in the ratio that—

''(I) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

''(II) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

''(ii) 35 percent in the ratio that—

''(I) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

''(II) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

''(iii) 30 percent in the ratio that—

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

''(II) the total diesel fuel used on highways in all States.

''(iv) 10 percent in the ratio that—

''(I) 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

''(II) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

''(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A) and paragraph (4), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under subparagraph (A) and paragraph (4).

''(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 such subpart;

''(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under such subpart;

''(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under such subpart;

''(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under such 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 such 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 such 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 such 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) 25 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) 40 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) 35 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) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

''(4) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

''(A) 33⅓ percent in the ratio that—

''(i) the total lane miles on Interstate System routes open to traffic in each State; bears to

''(ii) the total of all such lane miles in all States;

''(B) 33⅓ percent in the ratio that—

''(i) the total vehicle miles traveled on lanes on Interstate System routes designated under—

''(I) section 103;

''(II) section 139(a) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) 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

''(III) section 139(c) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century);

in each State; bears to

''(ii) the total of all such vehicle miles traveled in all States; and

''(C) 33⅓ percent in the ratio that—

''(i) the total of each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles; bears to

''(ii) the total of such annual contributions by all States.

(c) OPERATION LIFESAVER AND HIGH SPEED RAIL CORRIDORS.—Section 104(d) of such title is amended—

(1) in paragraph (1) by striking ''The'' and all that follows through ''$300,000 for each'' and inserting ''Before making an apportionment under subsection (b)(3) of this section for a fiscal year, the Secretary shall set aside $500,000 for such''; and

(2) by striking paragraphs (2) and (3) and inserting the following:

''(2) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—

''(A) IN GENERAL.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $5,250,000 of the funds made available for the surface transportation program for the fiscal year for elimination of hazards of railway-highway crossings.

''(B) ELIGIBLE CORRIDORS.—Subject to subparagraph (E), funds made available under subparagraph (A) shall be expended for projects in—

''(i) 5 railway corridors selected by the Secretary in accordance with this subsection (as in effect on the day before the date of enactment of this clause);

''(ii) 3 railway corridors selected by the Secretary in accordance with subparagraphs (C) and (D);

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

''(iv) a Keystone high speed railway corridor from Philadelphia to Harrisburg, Pennsylvania; and

''(v) an Empire State railway corridor from New York City to Albany to Buffalo, New York.

''(C) REQUIRED INCLUSION OF HIGH SPEED RAIL LINES.—A corridor selected by the Secretary under subparagraph (B) shall include rail lines where railroad speeds of 90 miles or more per hour are occurring or can reasonably be expected to occur in the future.

''(D) CONSIDERATIONS IN CORRIDOR SELECTION.—In selecting corridors under subparagraph (B), the Secretary shall consider—

''(i) projected rail ridership volume in each corridor;

''(ii) the percentage of each corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line;

''(iii) projected benefits to nonriders such as congestion relief on other modes of transportation serving each corridor (including congestion in heavily traveled air passenger corridors);

''(iv) the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities; and

''(v) the cooperation of the owner of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in each corridor.

''(E) CERTAIN IMPROVEMENTS.—Not less than $250,000 of such set-aside shall be available per fiscal year for eligible improvements to the Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.''.

(d) CERTIFICATION OF APPORTIONMENTS.—Section 104(e) of such title is amended—

(1) by inserting ''CERTIFICATION OF APPORTIONMENTS.—'' after ''(e)'';

(2) by inserting ''(1) IN GENERAL.—'' before ''On October 1'';

(3) by striking the first parenthetical phrase;

(4) by striking ''and research'' the first place it appears;

(5) by striking the second sentence;

(6) by adding at the end the following:

''(2) NOTICE TO STATES.—If the Secretary has not made an apportionment under section 104, 144, or 157 by the 21st day of a fiscal year beginning after September 30, 1998, the Secretary shall transmit, by such 21st day, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written statement of the reason for not making such apportionment in a timely manner.''; and

(7) by indenting paragraph (1) (as designated by paragraph (2) of this subsection) and aligning such paragraph (1) with paragraph (2) of such section (as added by paragraph (6) of this subsection).

(e) METROPOLITAN PLANNING SET-ASIDE.—Section 104(f) of such title is amended—

(1) in paragraph (1) by striking ''Interstate construction and Interstate substitute programs'' and inserting ''recreational trails program''; and

(2) in paragraph (3) by striking ''120(j) of this title'' and inserting ''120(b)''.

(f) RECREATIONAL TRAILS PROGRAM.—Section 104(h) of such title is amended to read as follows:

''(h) RECREATIONAL TRAILS PROGRAM.—

''(1) ADMINISTRATIVE COSTS.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct an amount, not to exceed 1½ percent of the sums authorized, to cover the cost to the Secretary for administration of and research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

''(2) APPORTIONMENT TO THE STATES.—After making the deduction authorized by paragraph (1) of this subsection, the Secretary shall apportion the remainder of the sums authorized to be appropriated for expenditure on the recreational trails program for each fiscal year, among the States in the following manner:

''(A) 50 percent of that amount shall be apportioned equally among eligible States.

''(B) 50 percent of that amount shall be apportioned among eligible States in amounts proportionate to the degree of non-highway recreational fuel use in each of those States during the preceding year.

''(3) ELIGIBLE STATE DEFINED.—In this section, the term 'eligible State' means a State that meets the requirements of section 206(c).''.

(g) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of such title is amended by striking subsection (i) and inserting the following:

''(i) AUDITS OF HIGHWAY TRUST FUND.—From 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.''.

(h) REPORT ON OBLIGATIONS.—Section 104 of such title is amended by striking subsection (j) and inserting the following:

''(j) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report for each fiscal year on—

''(1) the amount obligated, by each State, for Federal-aid highways and highway safety construction programs during the preceding fiscal year;

''(2) the balance, as of the last day of the preceding fiscal year, of the unobligated apportionment of each State by fiscal year under this section and sections 105 and 144;

''(3) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for the fiscal year; and

''(4) the rates of obligation of funds apportioned or set aside under this section and sections 105, 133, and 144, according to—

''(A) program;

''(B) funding category or subcategory;

''(C) type of improvement;

''(D) State; and

''(E) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.''.

(i) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—Section 104 of such title is amended by inserting after subsection (j) the following:

''(k) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

''(1) TRANSFER OF HIGHWAY FUNDS.—Funds made available under this title and transferred for transit projects of a type described in section 133(b)(2) shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

''(2) TRANSFER OF TRANSIT FUNDS.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of such chapter relating to the non-Federal share shall apply to the transferred funds.

''(3) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority provided for projects described in paragraphs (1) and (2) shall be transferred in the same manner and amount as the funds for the projects are transferred.''.

(j) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of such title is amended by adding at the end the following:

''(l) 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 Transportation Equity Act for the 21st Century and this title.''.

(k) TECHNICAL AMENDMENTS.—Section 104(f) of such title is amended—

(1) by striking ''(f)(1) On'' and inserting the following:

''(f) METROPOLITAN PLANNING.—

''(1) SET-ASIDE.—On'';

(2) in paragraph (1) by striking '', except that'' and all that follows through ''programs'';

(3) by striking ''(2) These'' and inserting the following:

''(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These'';

(4) by striking ''(3) The'' and inserting the following:

''(3) USE OF FUNDS.—The'';

(5) by striking ''(4) The'' and inserting the following:

''(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The''; and

(6) by aligning the remainder of the text of each of paragraphs (1) through (4) with paragraph (5).

(l) CONFORMING AMENDMENTS.—

(1) Section 146(a) of such title is amended in the first sentence by striking '', 104(b)(2), and 104(b)(6)'' and inserting ''and 104(b)(3)''.

(2) Section 158 of such title 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 ''104(b)(3), and 104(b)(4)''; 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.''.

(3)(A) Section 115(b)(1) of such title is amended by striking ''104(b)(5)'' and inserting ''104(b)(4)''.

(B) Section 137(f)(1) of such title is amended by striking ''section 104(b)(5)(B) of this title'' and inserting ''section 104(b)(4)''.

(C) Section 141(c) of such title is amended by striking ''section 104(b)(5) of this title'' each place it appears and inserting ''section 104(b)(4)''.

(D) Section 142(c) of such title is amended by striking ''(other than section 104(b)(5)(A))''.

(E) Section 159 of such title 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 Transportation Equity Act for the 21st Century) 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 Transportation Equity Act for the 21st Century)'';

(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 Transportation Equity Act for the 21st Century)'';

(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 Transportation Equity Act for the 21st Century)''; 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 Transportation Equity Act for the 21st Century)''.

(F) Section 161(a) of such title is amended by striking ''paragraphs (1), (3), and (5)(B) of section 104(b)'' each place it appears and inserting ''paragraphs (1), (3), and (4) of section 104(b)''.

(4) Section 142(b) of such title is amended by striking ''paragraph (5) of subsection (b) of section 104 of this title'' and inserting ''section 104(b)(4)''.

(m) ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 1997.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to section 2(c) of the Surface Transportation Extension Act of 1997, the Secretary shall ensure that the total apportionments for a State (other than Massachusetts) for fiscal year 1998 made under the Transportation Equity Act for the 21st Century (including amendments made by such Act) shall be reduced by the amount apportioned to such State (other than Massachusetts) under section 1003(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) REPAYMENT OF TRANSFERRED FUNDS.—The Secretary shall ensure that any apportionments made to a State for fiscal year 1998 and adjusted under paragraph (1) shall first be used to restore in accordance with section 3(c) of the Surface Transportation Extension Act of 1997 any funds that a State transferred under section 3 of such Act.

(3) INSUFFICIENT FUNDS FOR REPAYMENT.—If a State has insufficient funds apportioned in fiscal year 1998 under the Transportation Equity Act for the 21st Century (including amendments made by such Act) to make the adjustment required by paragraph (1), then the Secretary shall make an adjustment to any funds apportioned to such State in fiscal year 1999.

(4) ALLOCATED PROGRAMS.—Notwithstanding any other provision of law, amounts made available for fiscal year 1998 by the Transportation Equity Act for the 21st Century (including amendments made by such Act) for a program that is continued by both of sections 4, 5, 6, and 7 of the Surface Transportation Extension Act of 1997 (including amendments made by such sections) and the Transportation Equity Act for the 21st Century (including amendments made by such Act) shall be reduced by the amount made available by such sections 4, 5, 6, and 7 for such programs.

(5) TREATMENT OF STEA OBLIGATION AUTHORITY.—The amount of obligation authority made available under section 2(e) of the Surface Transportation Extension Act of 1997 shall be considered to be an amount of obligation authority made available for fiscal year 1998 under section 1102(a) of this Act.

(n) STATE DEFINED.—For the purposes of apportioning funds under sections 104, 105, 144, and 206, the term ''State'' means any of the 50 States and the District of Columbia.

SEC. 1104. MINIMUM GUARANTEE.

(a) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

''§ 105. Minimum guarantee

''(a) GENERAL RULE.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that each State's percentage of the total apportionments for such fiscal year of Interstate maintenance, national highway system, bridge, congestion mitigation and air quality improvement, surface transportation, metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs shall equal the percentage listed for each State in subsection (b).

''(b) STATE PERCENTAGES.—The percentage for each State referred to in subsection (a) shall be determined in accordance with the following table:

''States:	Percentage
Alabama	2.0269
Alaska	1.1915
Arizona	1.5581
Arkansas	1.3214
California	9.1962
Colorado	1.1673
Connecticut	1.5186
Delaware	0.4424
District of Columbia	0.3956
Florida	4.6176
Georgia	3.5104
Hawaii	0.5177
Idaho	0.7718
Illinois	3.3819
Indiana	2.3588
Iowa	1.2020
Kansas	1.1717
Kentucky	1.7365
Louisiana	1.5900
Maine	0.5263
Maryland	1.5087
Massachusetts	1.8638
Michigan	3.1535
Minnesota	1.4993
Mississippi	1.2186
Missouri	2.3615
Montana	0.9929
Nebraska	0.7768
Nevada	0.7248
New Hampshire	0.5163
New Jersey	2.5816
New Mexico	0.9884
New York	5.1628
North Carolina	2.8298
North Dakota	0.6553
Ohio	3.4257
Oklahoma	1.5419
Oregon	1.2183
Pennsylvania	4.9887
Rhode Island	0.5958
South Carolina	1.5910
South Dakota	0.7149
Tennessee	2.2646
Texas	7.2131
Utah	0.7831
Vermont	0.4573
Virginia	2.5627
Washington	1.7875
West Virginia	1.1319
Wisconsin	1.9916
Wyoming	0.6951

''(c) TREATMENT OF FUNDS.—

''(1) PROGRAMMATIC DISTRIBUTION.—The Secretary shall apportion 50 percent of the amounts made available under this section that exceed $2,800,000,000 so that the amount apportioned to each State under this paragraph for each program referred to in subsection (a) (other than

metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs) is equal to the amount determined by multiplying the amount to be apportioned under this paragraph by the ratio that—

''(A) the amount of funds apportioned to each State for each program referred to in subsection (a) for a fiscal year; bears to

''(B) the total amount of funds apportioned to all States for such program for such fiscal year.

''(2) REMAINING DISTRIBUTION.—The Secretary shall apportion the remainder of funds made available under this section to the States in accordance with section 104(b)(3); except that requirements of paragraphs (1), (2), and (3) of section 133(d) shall not apply to amounts apportioned pursuant to this paragraph.

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

''(e) SPECIAL RULE.—If in any of fiscal years 1999 through 2003, the amount authorized under subsection (d) is more than 30 percent higher than the amount authorized under subsection (d) in fiscal year 1998, the Secretary shall use the apportionment factors under sections 104 and 144 as in effect on the date of enactment of this section.

''(f) GUARANTEE OF 90.5 RETURN.—

''(1) IN GENERAL.—Before making any apportionment under this title for each of fiscal years 1999 through 2003, the Secretary, subject to paragraph (2), shall adjust the percentages in the table in subsection (b) to reflect the estimated percentage of 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 is available, to ensure that no State's return from such Trust Fund is less than 90.5 percent.

''(2) ELIGIBILITY THRESHOLD FOR INITIAL ADJUSTMENT.—The Secretary may make an adjustment under paragraph (1) for a State for a fiscal year only if the State's return from the Highway Trust Fund (other than the Mass Transit Account) for the preceding fiscal year was equal to or less than 90.5 percent.

''(3) CONFORMING ADJUSTMENTS.—After making any adjustments under paragraph (1) for a fiscal year, the Secretary shall adjust the remaining percentages in the table set forth in subsection (b) to ensure that the total of the percentages in the table do not exceed 100 percent for such fiscal year.

''(4) LIMITATION ON ADJUSTMENTS.—After making any adjustments under paragraph (3) for a fiscal year, the Secretary shall determine whether or not any State's return from the Highway Trust Fund (other than the Mass Transit Account) is less than 90.5 percent as a result of such adjustments and shall adjust the percentages in the table for such fiscal year accordingly. Adjustments of the percentages in the table under this paragraph may not result in the total of such percentages exceeding 100 percent.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 105 and inserting the following:

''105. Minimum guarantee.''.

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 110 and inserting the following:

''§ 110. Revenue aligned budget authority

''(a) DETERMINATION OF AMOUNT.—On October 15 of fiscal year 1999, and each fiscal year thereafter, the Secretary shall allocate an amount of funds equal to the amount determined pursuant to section 251(b)(1)(B)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(B)(I)(cc)).

''(b) GENERAL DISTRIBUTION.—The Secretary shall—

''(1) determine the ratio that—

''(A) the sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for each of the for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program) for which funds are allocated from such Trust Fund by the Secretary under this title and the Transportation Equity Act for the 21st Century for a fiscal year, bears to

''(B) the total of all sums authorized to be appropriated from such Trust Fund for such programs for such fiscal year;

''(2) multiply the ratio determined under paragraph (1) by the total amount of funds to be allocated under subsection (a) for such fiscal year;

''(3) allocate the amount determined under paragraph (2) among such programs in the ratio that—

''(A) the sums authorized to be appropriated from such Trust Fund for each of such programs for such fiscal year, bears to

''(B) the sums authorized to be appropriated from such Trust Fund for all such programs for such fiscal year; and

''(4) allocate the remainder of the funds to be allocated under subsection (a) for such fiscal year to the States in the ratio that—

''(A) the total of all funds authorized to be appropriated from such Trust Fund for Federal-aid highway and highway safety construction programs that are apportioned to each State for such fiscal year but for this section, bears to

''(B) the total of all funds authorized to be appropriated from such Trust Fund for such programs that are apportioned to all States for such fiscal year but for this section.

''(c) STATE PROGRAMMATIC DISTRIBUTION.—Of the funds to be apportioned to each State under subsection (b)(4) for a fiscal year, the Secretary shall ensure that such funds are apportioned for the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program, and the congestion mitigation air quality improvement program in the same ratio that each State is apportioned funds for such programs for such fiscal year but for this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this section for fiscal years beginning after September 30, 1998.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 110 and inserting the following:

''110. Revenue aligned budget authority.''.

SEC. 1106. FEDERAL-AID SYSTEMS.

(a) ADMINISTRATION OF NATIONAL HIGHWAY SYSTEM AND INTERSTATE MAINTENANCE PROGRAM.—The Secretary shall administer the National Highway System program and the Interstate Maintenance program as a combined program for purposes of allowing States maximum flexibility. References in this Act and title 23, United States Code, shall not be affected by such consolidation.

(b) FEDERAL-AID SYSTEMS.—Section 103 of title 23, United States Code, is amended to read as follows:

''§ 103. Federal-aid systems

''(a) IN GENERAL.—For the purposes of this title, the Federal-aid systems are the Interstate System and the National Highway System.

''(b) NATIONAL HIGHWAY SYSTEM.—

''(1) DESCRIPTION.—The National Highway System consists of the highway routes and connections to transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled 'Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals' and dated May 24, 1996. The system shall—

''(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

''(B) meet national defense requirements; and

''(C) serve interstate and interregional travel.

''(2) COMPONENTS.—The National Highway System described in paragraph (1) consists of the following:

''(A) The Interstate System described in subsection (c).

''(B) Other urban and rural principal arterial routes.

''(C) Other connector highways (including toll facilities) that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.

''(D) A strategic highway network consisting of a network of highways that are important to the United States strategic defense policy and that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime. The highways may be highways on or off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

''(E) Major strategic highway network connectors consisting of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network. The highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

''(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 178,250 miles.

''(4) MODIFICATIONS TO NHS.—

''(A) IN GENERAL.—The Secretary may make any modification, including any modification consisting of a connector to a major intermodal terminal, to the National Highway System that is proposed by a State or that is proposed by a State and revised by the Secretary if the Secretary determines that the modification—

''(i) meets the criteria established for the National Highway System under this title; and

''(ii) enhances the national transportation characteristics of the National Highway System.

''(B) COOPERATION.—

''(i) IN GENERAL.—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.

''(ii) URBANIZED AREAS.—In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under section 134.

''(5) CONGRESSIONAL HIGH PRIORITY CORRIDORS.—Upon the completion of feasibility studies, the Secretary shall add to the National Highway System any congressional high priority corridor or any segment of such a corridor established by section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031 et seq.) that was not identified on the National Highway System described in paragraph (1).

''(6) ELIGIBLE PROJECTS FOR NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1) for the National Highway System may be obligated for any of the following:

''(A) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the National Highway System.

''(B) Operational improvements for segments of the National Highway System.

''(C) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System, and construction of a transit project eligible for assistance under chapter 53 of title 49, if—

''(i) the highway or transit project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;

''(ii) the construction or improvements will improve the level of service on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

''(iii) the construction or improvements are more cost-effective than an improvement to the fully access-controlled highway described in clause (i).

''(D) Highway safety improvements for segments of the National Highway System.

''(E) Transportation planning in accordance with sections 134 and 135.

''(F) Highway research and planning in accordance with chapter 5.

''(G) Highway-related technology transfer activities.

''(H) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

''(I) Fringe and corridor parking facilities.

''(J) Carpool and vanpool projects.

''(K) Bicycle transportation and pedestrian walkways in accordance with section 217.

''(L) Development, establishment, and implementation of management systems under section 303.

''(M) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetland mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetland mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, and development of statewide and regional natural habitat and wetland conservation and mitigation plans, including any such banks, efforts, and plans authorized under the Water Resources Development Act of 1990 (Public Law 101–640) (including crediting provisions). Contributions to the mitigation efforts described in the preceding sentence may take place concurrent with or in advance of project construction; except that contributions in advance of project construction may occur only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

''(N) Publicly-owned intracity or intercity bus terminals.

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

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

''(c) INTERSTATE SYSTEM.—

''(1) DESCRIPTION.—

''(A) IN GENERAL.—The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico) consists of highways designed, located, and selected in accordance with this paragraph.

''(B) DESIGN.—

''(i) IN GENERAL.—Except as provided in clause (ii), highways on the Interstate System shall be designed in accordance with the standards of section 109(b).

''(ii) EXCEPTION.—Highways on the Interstate System in Alaska and Puerto Rico shall be designed in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway.

''(C) LOCATION.—Highways on the Interstate System shall be located so as—

''(i) to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers;

''(ii) to serve the national defense; and

''(iii) to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.

''(D) SELECTION OF ROUTES.—To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation departments of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.

''(2) MAXIMUM MILEAGE.—The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).

''(3) MODIFICATIONS.—The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.

''(4) INTERSTATE SYSTEM DESIGNATIONS.—

''(A) ADDITIONS.—If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.

''(B) DESIGNATIONS AS FUTURE INTERSTATE SYSTEM ROUTES.—

''(i) IN GENERAL.—If the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A) if the highway met all standards of a highway on the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.

''(ii) WRITTEN AGREEMENT OF STATES.—A designation under clause (i) shall be made only upon the written agreement of the State or States described in such clause that the highway will be constructed to meet all standards of a highway on the Interstate System by the date that is 12 years after the date of the agreement.

''(iii) REMOVAL OF DESIGNATION.—

''(I) IN GENERAL.—If the State or States described in clause (i) have not substantially completed the construction of a highway designated under this subparagraph within the time provided for in the agreement between the Secretary and the State or States under clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.

''(II) EFFECT OF REMOVAL.—Removal of the designation of a highway under subclause (I) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.

''(iv) PROHIBITION ON REFERRAL AS INTERSTATE SYSTEM ROUTE.—No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as the highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a route on the Interstate System.

''(C) FINANCIAL RESPONSIBILITY.—Except as provided in this title, the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.

''(d) TRANSFER OF INTERSTATE CONSTRUCTION FUNDS.—

''(1) INTERSTATE CONSTRUCTION FUNDS NOT IN SURPLUS.—

''(A) IN GENERAL.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century), if the amount does not exceed the Federal share of the costs of construction of segments of the Interstate System in the State included in the most recent Interstate System cost estimate.

''(B) EFFECT OF TRANSFER.—Upon transfer of an amount under subparagraph (A), the construction on which the amount is based, as included in the most recent Interstate System cost estimate, shall not be eligible for funding under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) or 118(c).

''(2) SURPLUS INTERSTATE CONSTRUCTION FUNDS.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of surplus funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century), if the State has fully financed all work eligible under the most recent Interstate System cost estimate.

''(3) APPLICABILITY OF CERTAIN LAWS.—Funds transferred under this subsection shall be subject to the laws (including regulations, policies, and procedures) relating to the apportionment to which the funds are transferred.''.

(b) UNOBLIGATED BALANCES OF INTERSTATE SUBSTITUTE FUNDS.—Unobligated balances of funds apportioned to a State under section 103(e)(4)(H) of title 23, United States Code (as in effect on the day before the date of enactment of this Act), shall be available for obligation by the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on that date.

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 115(a) of title 23, United States Code, is amended—

(i) in the subsection heading by striking ''SUBSTITUTE,''; and

(ii) in paragraph (1)(A)(i) by striking ''103(e)(4)(H),'';

(B) Section 118 of such title is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(C) Section 129(b) of such title is amended in the first sentence by striking ''which has been'' and all that follows through ''and has not'' and inserting ''which is a public road and has not''.

(2)(A) Section 139 of such title, and the item relating to such section in the analysis for chapter 1 of such title, are repealed.

(B) Section 127(f) of such title is amended by striking ''section 139(a)'' and inserting ''section 103(c)(4)(A)''.

(C) Section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597) is amended by striking subparagraph (B) and inserting the following:

''(B) TREATMENT OF SEGMENTS.—Subject to subparagraph (C), segments designated as parts of the Interstate System under this paragraph shall be treated in the same manner as segments designated under section 103(c)(4)(A) of title 23, United States Code.''.

(d) INTERMODAL FREIGHT CONNECTORS STUDY.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) review the condition of and improvements made, since the designation of the National Highway System, to connectors on the National Highway System that serve seaports, airports, and other intermodal freight transportation facilities; and

(B) report to Congress on the results of such review.

(2) REVIEW.—In preparing the report, the Secretary shall review the connectors and identify projects carried out on those connectors that were intended to provide and improve service to an intermodal facility referred to in paragraph (1) and to facilitate the efficient movement of freight, including movements of freight between modes.

(3) IDENTIFICATION OF IMPEDIMENTS.—If the Secretary determines on the basis of the review that there are impediments to improving the connectors serving intermodal facilities referred to in paragraph (1), the Secretary shall identify such impediments and make any appropriate recommendations as part of the Secretary's report to Congress under this subsection.

SEC. 1107. INTERSTATE MAINTENANCE PROGRAM.

(a) IN GENERAL.—Section 119 of title 23, United States Code, is amended—

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

''(a) IN GENERAL.—

''(1) PROJECTS.—The Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing—

''(A) routes on the Interstate System designated under section 103(c)(1) and, in Alaska and Puerto Rico, under section 103(c)(4)(A);

''(B) routes on the Interstate System designated before the date of enactment of the Transportation Equity Act for the 21st Century under subsections (a) and (b) of section 139 (as in effect on the day before the date of enactment of such Act); and

''(C) any segments that become part of the Interstate System under section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991.

''(2) TOLL ROADS.—The Secretary may approve a project pursuant to this subsection on a toll road only if such road is subject to a Secretarial agreement provided for in section 129 or continued in effect by section 1012(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1939) and not voided by the Secretary under section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 159).

''(3) FUNDING.—Sums authorized to be appropriated to carry out this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(4).'';

(2) by striking subsections (b), (c), and (e); and

(3) by redesignating subsections (d), (f), and (g) as subsections (b), (c), and (d), respectively.

(b) SET-ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—Section 118(c) of such title is amended to read as follows:

''(c) SET-ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.—

''(1) IN GENERAL.—Before any apportionment is made under section 104(b)(4), the Secretary shall set aside $50,000,000 in fiscal year 1998 and $100,000,000 in each of fiscal years 1999 through 2003 for obligation by the Secretary for projects for resurfacing, restoring, rehabilitating, and reconstructing any route or portion thereof on the Interstate System (other than any highway designated as a part of the Interstate System under section 139 (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) and any toll road on the Interstate System not subject to an agreement under section 119(e) (as in effect on December 17, 1991).

''(2) SELECTION CRITERIA.—The amounts set aside under paragraph (1) 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)(4) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System that has been submitted by the State to the Secretary for approval; and

''(B) the applicant is willing and able to—

''(i) obligate the funds within 1 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 after obligation.

''(3) PRIORITY CONSIDERATION FOR CERTAIN PROJECTS.—In selecting projects to fund under paragraph (1), the Secretary shall give priority consideration to any project the cost of which exceeds $10,000,000 on any high volume route in an urban area or a high truck-volume route in a rural area.

''(4) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this subsection shall remain available until expended.''.

(c) INTERSTATE NEEDS.—

(1) STUDY.—The Secretary shall conduct, in cooperation with States and affected metropolitan planning organizations, a study to determine—

(A) the expected condition of the Interstate System over the next 10 years and the needs of States and metropolitan planning organizations to reconstruct and improve the Interstate System;

(B) the resources necessary to maintain and improve the Interstate System; and

(C) the means to ensure that the Nation's surface transportation program can—

(i) address the needs identified in subparagraph (A); and

(ii) allow for States to address any extraordinary needs.

(2) REPORT.—Not later than January 1, 2000, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 1108. SURFACE TRANSPORTATION PROGRAM.

(a) ELIGIBILITY OF PROJECTS.—Section 133(b) of title 23, United States Code, is amended—

(1) in paragraph (1) by inserting after ''magnesium acetate'' the following: '', sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions'';

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

(3) in paragraph (3)—

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

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

(4) in paragraph (4) by inserting ''infrastructure'' after ''safety'';

(5) in paragraph (9) by striking ''section 108(f)(1)(A) (other than clauses (xii) and (xvi)) of the Clean Air Act'' and inserting ''section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))'';

(6) in paragraph (11)—

(A) in the first sentence—

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

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

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

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

(7) by adding at the end the following:

''(13) Infrastructure-based intelligent transportation systems capital improvements.

''(14) Environmental restoration and pollution abatement projects (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities, which projects shall be carried out when the transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.''.

(b) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 133 of such title is amended—

(1) in subsection (d)(3)(D) by striking ''any State'' and all that follows through the period at the end and inserting ''Hawaii and Alaska''; and

(2) in subsection (e)—

(A) in paragraph (3)(B)(i) by striking ''if the Secretary'' and all that follows through ''activities''; and

(B) in paragraph (5) by adding at the end the following:

''(C) COST SHARING.—

''(i) REQUIRED AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects to carry out transportation enhancement activities in a State for a fiscal year shall be not less than the non-Federal share authorized for the State under section 120(b).

''(ii) INNOVATIVE FINANCING.—Subject to clause (i), notwithstanding section 120—

''(I) funds from other Federal agencies and the value of other contributions (as determined by the Secretary) may be credited toward the non-Federal share of the costs of a project to carry out a transportation enhancement activity;

''(II) the non-Federal share for such a project may be calculated on a project, multiple-project, or program basis; and

''(III) the Federal share of the cost of an individual project to which subclause (I) or (II) applies may be up to 100 percent.''.

(c) PROGRAM APPROVAL.—Section 133(e) of such title is amended by striking paragraph (2) and inserting the following:

''(2) PROGRAM APPROVAL.—

''(A) SUBMISSION OF PROJECT AGREEMENT.—For each fiscal year, each State shall submit a project agreement that—

''(i) certifies that the State will meet all the requirements of this section; and

''(ii) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

''(B) REQUEST FOR ADJUSTMENTS OF AMOUNTS.—Each State shall request from the Secretary such adjustments to the amount of obligations referred to in subparagraph (A)(ii) as the State determines to be necessary.

''(C) EFFECT OF APPROVAL BY THE SECRETARY.—Approval by the Secretary of a project agreement under subparagraph (A) shall be deemed a contractual obligation of the United

States to pay surface transportation program funds made available under this title.''.

(d) PAYMENTS.—Section 133(e)(3)(A) of such title is amended by striking the second sentence.

(e) SURFACE TRANSPORTATION PROGRAM OBLIGATIONS IN URBAN AREAS.—Section 133 of such title is amended to read as follows:

''(f) OBLIGATION AUTHORITY.—

''(1) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the period of fiscal years 1998 through 2000 and the period of fiscal years 2001 through 2003 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

''(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during the period; and

''(B) the ratio that—

''(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

''(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

''(2) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).''.

(f) DIVISION OF STP FUNDS FOR AREAS OF LESS THAN 5,000 POPULATION.—

(1) SPECIAL RULE.—Notwithstanding section 133(c) of title 23, United States Code, and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated under section 133(d)(3)(B) of such title for each of fiscal years 1998 through 2003 may be obligated on roads functionally classified as minor collectors.

(2) SUSPENSION.—The Secretary may suspend the application of paragraph (1) if the Secretary determines that paragraph (1) is being used excessively.

(g) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform appropriate transportation enhancement activities under chapter 1 of title 23, United States Code.

SEC. 1109. HIGHWAY BRIDGE PROGRAM.

(a) APPORTIONMENT FORMULA.—Section 144(e) of title 23, United States Code, is amended in the fourth sentence by inserting before the period at the end the following: '', and, if a State transfers funds apportioned to the State under this section in a fiscal year beginning after September 30, 1997, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds''.

(b) DISCRETIONARY BRIDGE SET-ASIDE.—Section 144(g)(1) of such title is amended—

(1) by inserting ''(A) FISCAL YEARS 1992 THROUGH 1997.—'' before ''Of the amounts'';

(2) by adding at the end the following:

''(B) FISCAL YEAR 1998.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for fiscal year 1998, all but $25,000,000 shall be apportioned as provided in subsection (e) of this section. Such $25,000,000 shall be available only for projects for the seismic retrofit of a bridge described in subsection (l).

''(C) FISCAL YEARS 1999 THROUGH 2003.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of fiscal years 1999 through 2003, all but $100,000,000 shall be apportioned as provided in subsection (e). Such $100,000,000 shall be available at the discretion of the Secretary; except that not to exceed $25,000,000 shall be available only for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region.''; and

(3) by indenting subparagraph (A) (as designated by paragraph (1) of this subsection) and aligning such subparagraph (A) with subparagraphs (B) and (C) of such section (as added by paragraph (2) of this subsection).

(c) OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of such title is amended—

(1) by striking '', 1988'' and all that follows through ''1997,'' and inserting ''through 2003''; and

(2) by striking ''system'' each place it appears and inserting ''highway''.

(d) ELIGIBILITY.—Section 144 of title 23, United States Code, is amended—

(1) in subsection (d) by inserting after ''magnesium acetate'' the following: '', sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures'';

(2) in subsection (d) by inserting after ''such acetate'' each place it appears the following: ''or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures''; and

(3) in subsection (g)(3) by inserting after ''magnesium acetate'' the following: '', sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures''.

(e) CONFORMING AMENDMENT.—Section 144(n) of such title is amended by striking ''system'' and inserting ''highway''.

SEC. 1110. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 149(a) of title 23, United States Code, is amended by inserting after ''establish'' the following: ''and implement''.

(b) CURRENTLY ELIGIBLE PROJECTS.—Section 149(b) of such title is amended—

(1) by striking ''that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994'' and inserting the following: ''that is or was designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified pursuant to section 181(a), 186(a), 188(a), or 188(b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), 7513(a), or 7513(b)) or is or was designated as a nonattainment area under such section 107(d) after December 31, 1997,'';

(2) in paragraph (1)(A) by striking ''clauses (xii) and''; and inserting ''clause'';

(3) in paragraph (1)(A)(ii) by striking ''an area'' and all that follows through the semicolon and inserting ''a maintenance area;'';

(4) by striking ''or'' at the end of paragraph (3);

(5) by striking ''standard.'' at the end of paragraph (4) and inserting ''standard; or''; and

(6) by inserting after paragraph (4) the following:

''(5) if the program or project improves traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes, improve intersections, and implement intelligent transportation system strategies and such other projects that are eligible for assistance under this section on the day before the date of enactment of this paragraph.''.

(c) STATES RECEIVING MINIMUM APPORTIONMENT.—Section 149 of such title is amended by striking subsection (c) and inserting the following:

''(c) STATES RECEIVING MINIMUM APPORTIONMENT.—

''(1) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.), the State may use funds apportioned to the State under section 104(b)(2) for any project eligible under the surface transportation program under section 133.

''(2) STATES WITH A NONATTAINMENT AREA.—If a State has a nonattainment area or maintenance area and receives funds under section 104(b)(2)(D) above the amount of funds that the State would have received based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2), the State may use that portion of the funds not based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2) for any project in the State eligible under section 133.''.

(d) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) IN GENERAL.—Section 149 of such title is amended by adding at the end the following:

''(e) PARTNERSHIPS WITH NONGOVERNMENTAL ENTITIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title and in accordance with this subsection, a metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project carried out under this section.

''(2) FORMS OF PARTICIPATION BY ENTITIES.—Participation by an entity under paragraph (1) may consist of—

''(A) ownership or operation of any land, facility, vehicle, or other physical asset associated with the project;

''(B) cost sharing of any project expense;

''(C) carrying out of administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

''(D) any other form of participation approved by the Secretary.

''(3) ALLOCATION TO ENTITIES.—A State may allocate funds apportioned under section 104(b)(2) to an entity described in paragraph (1).

''(4) ALTERNATIVE FUEL PROJECTS.—In the case of a project that will provide for the use of alternative fuels by privately owned vehicles or vehicle fleets, activities eligible for funding under this subsection—

''(A) may include the costs of vehicle refueling infrastructure, including infrastructure that would support the development, production, and use of emerging technologies that reduce emissions of air pollutants from motor vehicles, and other capital investments associated with the project;

''(B) shall include only the incremental cost of an alternative fueled vehicle, as compared to a conventionally fueled vehicle, that would otherwise be borne by a private party; and

''(C) shall apply other governmental financial purchase contributions in the calculation of net incremental cost.

''(5) PROHIBITION ON FEDERAL PARTICIPATION WITH RESPECT TO REQUIRED ACTIVITIES.—A Federal participation payment under this subsection may not be made to an entity to fund an obligation imposed under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other Federal law.''.

(2) DETERMINATION BY THE SECRETARY.—For the purposes of section 149(c) of title 23, United States Code, the Secretary shall determine in accordance with the procedures specified in section 149(b) of such title whether water-phased hydrocarbon fuel emulsion technologies that consist of a hydrocarbon base and water in an amount not less than 20 percent by volume that reduce emissions of hydrocarbon, particulate matter, carbon monoxide, or nitrogen oxide from motor vehicles.

(e) STUDY OF CMAQ PROGRAM.—

(1) IN GENERAL.—The Secretary and the Administrator of the Environmental Protection

Agency shall enter into arrangements with the National Academy of Sciences to complete, by not later than January 1, 2001, a study of the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code. The study shall, at a minimum—

(A) evaluate the air quality impacts of emissions from motor vehicles;

(B) evaluate the negative effects of traffic congestion, including the economic effects of time lost due to congestion;

(C) determine the amount of funds obligated under the program and make a comprehensive analysis of the types of projects funded under the program;

(D) evaluate the emissions reductions attributable to projects of various types that have been funded under the program;

(E) assess the effectiveness, including the quantitative and non-quantitative benefits, of projects funded under the program and include, in the assessment, an estimate of the cost per ton of pollution reduction;

(F) assess the cost effectiveness of projects funded under the program with respect to congestion mitigation;

(G) compare—

(i) the costs of achieving the air pollutant emissions reductions achieved under the program; to

(ii) the costs that would be incurred if similar reductions were achieved by other measures, including pollution controls on stationary sources;

(H) include recommendations on improvements, including other types of projects, that will increase the overall effectiveness of the program;

(I) include recommendations on expanding the scope of the program to address traffic-related pollutants that, as of the date of the study, are not addressed by the program.

(2) REPORT.—Not later than January 1, 2000, the National Academy of Sciences shall transmit to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report on the results of the study with recommendations for modifications to the congestion mitigation and air quality improvement program in light of the results of the study.

(3) FUNDING.—Before making the apportionment of funds under section 104(b)(2) of title 23, United States Code, for each of fiscal years 1999 and 2000, the Secretary shall deduct from the amount to be apportioned under such section for such fiscal year, and make available, $500,000 for such fiscal year to carry out this subsection.

SEC. 1111. FEDERAL SHARE.

(a) STATE-DETERMINED LOWER FEDERAL SHARE.—Section 120 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Except'' and inserting the following:

''(1) IN GENERAL.—Except'';

(B) by adding at the end the following:

''(2) STATE-DETERMINED LOWER FEDERAL SHARE.—In the case of any project subject to paragraph (1), a State may determine a lower Federal share than the Federal share determined under such paragraph.''; and

(C) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) of such subsection (as added by subparagraph (B) of this paragraph); and

(2) in subsection (b) by adding at the end the following: ''In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection.''.

(b) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The first sentence of section 120(c) of such title is amended by inserting ''or transit vehicles'' after ''emergency vehicles''.

(c) CREDIT FOR NON-FEDERAL SHARE.—Section 120 of such title is amended by adding at the end the following:

''(j) CREDIT FOR NON-FEDERAL SHARE.—

''(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal share requirement for any funds made available to carry out this title (other than the emergency relief program authorized by section 125) or chapter 53 of title 49 toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public, or private agencies shall have built, improved, or maintained such facilities without Federal funds.

''(2) MAINTENANCE OF EFFORT.—

''(A) IN GENERAL.—The credit for any non-Federal share provided under this subsection shall not reduce nor replace State funds required to match Federal funds for any program under this title.

''(B) CONDITION ON RECEIPT OF CREDIT.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreement as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures in such fiscal year at or above the average level of such expenditures for the preceding 3 fiscal years; except that if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 130 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years, the agreement shall ensure that the State will maintain its non-Federal transportation capital expenditures in the fiscal year of the credit at or above the average level of such expenditures for the other 2 fiscal years.

''(C) TRANSPORTATION CAPITAL EXPENDITURES DEFINED.—In subparagraph (B), the term 'non-Federal transportation capital expenditures' includes any payments made by the State for issuance of transportation-related bonds.

''(3) TREATMENT.—

''(A) LIMITATION ON LIABILITY.—Use of a credit for a non-Federal share under this subsection that is received from a public, quasi-public, or private agency—

''(i) shall not expose the agency to additional liability, additional regulation, or additional administrative oversight; and

''(ii) shall not subject the agency to any additional Federal design standards or laws (including regulations) as a result of providing the non-Federal share other than those to which the agency is already subject.

''(B) CHARTERED MULTISTATE AGENCIES.—When a credit that is received from a chartered multistate agency is applied to a non-Federal share under this subsection, such credit shall be applied equally to all charter States.''.

(d) CONFORMING AMENDMENTS.—Section 130(a) of such title is amended—

(1) 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

(2) in the second sentence by striking ''except as provided in subsection (d) of section 120 of this title'' and inserting ''subject to section 120''.

SEC. 1112. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

''§ 206. Recreational trails program

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) MOTORIZED RECREATION.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

''(2) RECREATIONAL TRAIL.—The term 'recreational trail' means a thoroughfare or track across land or snow, used for recreational purposes such as—

''(A) pedestrian activities, including wheelchair use;

''(B) skating or skateboarding;

''(C) equestrian activities, including carriage driving;

''(D) nonmotorized snow trail activities, including skiing;

''(E) bicycling or use of other human-powered vehicles;

''(F) aquatic or water activities; and

''(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

''(b) PROGRAM.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails.

''(c) STATE RESPONSIBILITIES.—To be eligible for apportionments under this section—

''(1) the Governor of the State shall designate the State agency or agencies that will be responsible for administering apportionments made to the State under this section; and

''(2) the State shall establish a State recreational trail advisory committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year.

''(d) USE OF APPORTIONED FUNDS.—

''(1) IN GENERAL.—Funds apportioned to a State to carry out this section shall be obligated for recreational trails and related projects that—

''(A) have been planned and developed under the laws, policies, and administrative procedures of the State; and

''(B) are identified in, or further a specific goal of, a recreational trail plan, or a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.), that is in effect.

''(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

''(A) maintenance and restoration of existing recreational trails;

''(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

''(C) purchase and lease of recreational trail construction and maintenance equipment;

''(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal lands, construction of the trails shall be—

''(i) permissible under other law;

''(ii) necessary and required by a statewide comprehensive outdoor recreation plan that is required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.) and that is in effect;

''(iii) approved by the administering agency of the State designated under subsection (c)(1); and

''(iv) approved by each Federal agency having jurisdiction over the affected lands under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

''(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

''(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section; and

''(G) operation of educational programs to promote safety and environmental protection as those objectives relate to the use of recreational trails, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year.

''(3) USE OF APPORTIONMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments made to a State for a fiscal year to carry out this section—

''(i) 40 percent shall be used for recreational trail or related projects that facilitate diverse recreational trail use within a recreational trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

''(ii) 30 percent shall be used for uses relating to motorized recreation; and

''(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

''(B) SMALL STATE EXCLUSION.—Any State with a total land area of less than 3,500,000 acres shall be exempt from the requirements of clauses (ii) and (iii) of subparagraph (A).

''(C) WAIVER AUTHORITY.—A State recreational trail advisory committee established under subsection (c)(2), may waive, in whole or in part, the requirements of clauses (ii) and (iii) of subparagraph (A) if the State recreational trail advisory committee determines and notifies the Secretary that the State does not have sufficient projects to meet the requirements of clauses (ii) and (iii) of subparagraph (A).

''(D) STATE ADMINISTRATIVE COSTS.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

''(4) GRANTS.—

''(A) IN GENERAL.—A State may use funds apportioned to the State to carry out this section to make grants to private organizations, municipal, county, State, and Federal government entities, and other government entities as approved by the State after considering guidance from the State recreational trail advisory committee established under subsection (c)(2), for uses consistent with this section.

''(B) COMPLIANCE.—A State that makes grants under subparagraph (A) shall establish measures to verify that recipients of the grants comply with the conditions of the program for the use of grant funds.

''(e) ENVIRONMENTAL BENEFIT OR MITIGATION.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of recreational trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

''(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

''(A) the share attributable to the Secretary of Transportation may not exceed 80 percent of the cost of a project under this section; and

''(B) the share attributable to the Secretary and the Federal agency may not exceed 95 percent of the cost of a project under this section.

''(3) USE OF FUNDS FROM FEDERAL PROGRAMS TO PROVIDE NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share of the cost of the project may include amounts made available by the Federal Government under any Federal program that are—

''(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

''(B) expended on a project that is eligible for assistance under this section.

''(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments to the non-Federal share of an individual project for a fiscal year under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for the fiscal year does not exceed 80 percent.

''(5) STATE ADMINISTRATIVE COSTS.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

''(g) USES NOT PERMITTED.—A State may not obligate funds apportioned to carry out this section for—

''(1) condemnation of any kind of interest in property;

''(2) construction of any recreational trail on National Forest System land for any motorized use unless—

''(A) the land has been designated for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

''(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

''(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

''(A) has been designated for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

''(B) the construction is otherwise consistent with the management direction in the approved management plan; or

''(4) upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by nonmotorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

''(h) PROJECT ADMINISTRATION.—

''(1) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—

''(A) IN GENERAL.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

''(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

''(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

''(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds apportioned to the State to carry out this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).

''(4) COOPERATION BY PRIVATE PERSONS.—

''(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

''(B) PUBLIC ACCESS.—Any use of the apportionments to a State to carry out this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

''(i) CONTRACT AUTHORITY.—Funds authorized to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

''206. Recreational trails program.''.

(c) REPEAL OF OBSOLETE PROVISION.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is repealed.

(d) TERMINATION OF ADVISORY COMMITTEE.—Section 1303 of such Act (16 U.S.C. 1262) is amended by adding at the end the following:

''(j) TERMINATION.—The advisory committee established by this section shall terminate on September 30, 2000.''.

(e) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code.

SEC. 1113. EMERGENCY RELIEF.

(a) FEDERAL SHARE.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking ''highway system'' and inserting ''highway''.

(b) ELIGIBILITY AND FUNDING.—Section 125 of such title is amended—

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

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

''(a) GENERAL ELIGIBILITY.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

''(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

''(2) catastrophic failure from any external cause.

''(b) RESTRICTION ON ELIGIBILITY.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

''(c) FUNDING.—Subject to the following limitations, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

''(1) Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section; except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

''(2) Pending such appropriation or replenishment, the Secretary may obligate from any

funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized. Funds obligated under this paragraph shall be reimbursed from such appropriation or replenishment.'';

(3) in subsection (d) (as so redesignated)—

(A) in the first sentence by striking ''reconstruction of highways'' and all that follows through ''in accordance'' and inserting ''reconstruction of highways on Federal-aid highways in accordance'';

(B) by striking ''subsection (c)'' both places it appears and inserting ''subsection (e)'';

(C) in the second sentence by striking ''authorized'' and all that follows through the period and inserting ''authorized on Federal-aid highways.''; and

(D) in the last sentence by striking ''Disaster Relief and Emergency Assistance Act (Public Law 93–288)'' and inserting ''Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)''; and

(4) in subsection (e) (as so redesignated) by striking ''on any of the Federal-aid highway systems'' and inserting ''Federal-aid highways''.

(c) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

(d) TECHNICAL AMENDMENTS.—Section 120(e) of such title is amended—

(1) by striking ''(c)'' and inserting ''(b)''; and

(2) by striking ''90'' and inserting ''180''.

SEC. 1114. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

''§ 143. Highway use tax evasion projects

''(a) STATE DEFINED.—In this section, the term 'State' means the 50 States and the District of Columbia.

''(b) PROJECTS.—

''(1) IN GENERAL.—The Secretary shall carry out highway use tax evasion projects in accordance with this subsection.

''(2) ALLOCATION OF FUNDS.—Funds made available to carry out this section may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

''(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

''(4) LIMITATION ON USE OF FUNDS.—Funds made available to carry out this section shall be used only—

''(A) to expand efforts to enhance motor fuel tax enforcement;

''(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

''(C) to supplement motor fuel tax examinations and criminal investigations;

''(D) to develop automated data processing tools to monitor motor fuel production and sales;

''(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

''(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

''(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

''(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

''(6) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

''(7) PERIOD OF AVAILABILITY.—Funds authorized to carry out this section shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

''(8) USE OF SURFACE TRANSPORTATION PROGRAM FUNDING.—In addition to funds made available to carry out this section, a State may, expend up to ¼ of 1 percent of the funds apportioned to the State for a fiscal year under section 104(b)(3) on initiatives to halt the evasion of payment of motor fuel taxes.

''(c) EXCISE FUEL REPORTING SYSTEM.—

''(1) IN GENERAL.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (in this subsection referred to as the 'system').

''(2) ELEMENTS OF MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding shall provide that—

''(A) the Internal Revenue Service shall develop and maintain the system through contracts;

''(B) the system shall be under the control of the Internal Revenue Service; and

''(C) the system shall be made available for use by appropriate State and Federal revenue, tax, and law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

''(3) FUNDING.—Of the amounts made available to carry out this section for each of fiscal years 1998 through 2003, the Secretary shall make available sufficient funds to the Internal Revenue Service to establish and operate an automated fuel reporting system.''.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of such title is amended by striking the item relating to section 143 and inserting the following:

''143. Highway use tax evasion projects.''.

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g) by striking ''section 1040 of this Act'' and inserting ''section 143 of title 23, United States Code,''; and

(B) by striking subsection (h).

SEC. 1115. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

''(j) USE OF FEDERAL LAND MANAGEMENT AGENCY FUNDS.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

''(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—Notwithstanding any other provision of law, the funds authorized to be appropriated to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.''.

(b) ALLOCATIONS.—Section 202(d) of such title is amended—

(1) by inserting ''INDIAN RESERVATION ROADS.—'' after ''(d)'';

(2) by inserting ''(1) FOR FISCAL YEARS ENDING BEFORE OCTOBER 1, 1999.—'' before ''On October'';

(3) by inserting after ''each fiscal year'' the following: ''ending before October 1, 1999'';

(4) by adding at the end the following:

''(2) FISCAL YEAR 2000 AND THEREAFTER.—

''(A) IN GENERAL.—All funds authorized to be appropriated for Indian reservation roads shall be allocated among Indian tribes for fiscal year 2000 and each subsequent fiscal year in accordance with a formula established by the Secretary of the Interior under a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5.

''(B) REGULATIONS.—Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary of the Interior shall issue regulations governing the Indian reservation roads program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year under this paragraph, in accordance with a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5. The regulations shall be issued in final form not later than April 1, 1999, and shall take effect not later than October 1, 1999.

''(C) NEGOTIATED RULEMAKING COMMITTEE.—In establishing a negotiated rulemaking committee to carry out subparagraph (B), the Secretary of the Interior shall—

''(i) apply the procedures under subchapter III of chapter 5 of title 5 in a manner that reflects the unique government-to-government relationship between the Indian tribes and the United States; and

''(ii) ensure that the membership of the committee includes only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes.

''(D) BASIS FOR FUNDING FORMULA.—The funding formula established for fiscal year 2000 and each subsequent fiscal year under this paragraph shall be based on factors that reflect—

''(i) the relative needs of the Indian tribes, and reservation or tribal communities, for transportation assistance; and

''(ii) the relative administrative capacities of, and challenges faced by, various Indian tribes, including the cost of road construction in each Bureau of Indian Affairs area, geographic isolation and difficulty in maintaining all-weather access to employment, commerce, health, safety, and educational resources.

''(3) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads to pay for the costs of programs, services, functions, and activities, or portions thereof, that are specifically or functionally related to the cost of planning, research, engineering, and construction of any highway, road, bridge, parkway, or transit facility that provides access to or is located within the reservation or community of an Indian tribe shall be made available, upon request of the Indian tribal government, to the Indian tribal government for contracts and agreements for such planning, research, engineering, and construction in accordance with the Indian Self-Determination and Education Assistance Act.

''(B) EXCLUSION OF AGENCY PARTICIPATION.—Funds for programs, functions, services, or activities, or portions thereof, including supportive

administrative functions that are otherwise contractible to which subparagraph (A) apply, shall be paid in accordance with subparagraph (A) without regard to the organizational level at which the Department of Interior that has previously carried out such programs, functions, services, or activities.

''(4) RESERVATION OF FUNDS.—

''(A) NATIONWIDE PRIORITY PROGRAM.—The Secretary shall establish a nationwide priority program for improving deficient Indian reservation road bridges.

''(B) RESERVATION.—Of the amounts authorized to be appropriated for Indian reservation roads for each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve not less than $13,000,000 for projects to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures for deficient Indian reservation road bridges, including multiple-pipe culverts.

''(C) ELIGIBLE BRIDGES.—To be eligible to receive funding under this subsection, a bridge described in subparagraph (A) must—

''(i) have an opening of 20 feet or more;

''(ii) be on an Indian reservation road;

''(iii) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

''(iv) be recorded in the national bridge inventory administered by the Secretary under subsection (b).

''(D) APPROVAL REQUIREMENT.—Funds to carry out Indian reservation road bridge projects under this subsection shall be made available only on approval of plans, specifications, and estimates by the Secretary.''; and

(5) by indenting paragraph (1) (as designated by paragraph (2) of this paragraph) and aligning paragraph (1) with paragraphs (2), (3), and (4) (as added by paragraph (4) of this paragraph).

(c) AVAILABILITY OF FUNDS.—Section 203 of such title is amended by adding at the end the following: ''Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to pay the Federal share of the cost of the project.''.

(d) PLANNING AND AGENCY COORDINATION.—Section 204 of such title is amended—

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

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

''(2) TRANSPORTATION PLANNING PROCEDURES.—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

''(3) APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

''(4) INCLUSION IN OTHER PLANS.—All regionally significant Federal lands highways program projects—

''(A) shall be developed in cooperation with States and metropolitan planning organizations; and

''(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

''(5) INCLUSION IN STATE PROGRAMS.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

''(6) DEVELOPMENT OF SYSTEMS.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop by rule safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.'';

(2) in subsection (b) by striking the first 3 sentences and inserting the following: ''Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.'';

(3) in the first sentence of subsection (e) by striking ''Secretary of the Interior'' and inserting ''Secretary of the appropriate Federal land management agency'';

(4) in subsection (h) by adding at the end the following:

''(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.'';

(5) by striking subsection (i) and inserting the following:

''(i) TRANSFERS OF COSTS TO SECRETARIES OF FEDERAL LAND MANAGEMENT AGENCIES.—

''(1) ADMINISTRATIVE COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

''(2) TRANSPORTATION PLANNING COSTS.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section.''; and

(6) in subsection (j) by striking the second sentence and inserting the following: ''The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).''.

(e) REFUGE ROADS.—

(1) AUTHORIZATIONS.—Section 201 of such title is amended in the first sentence by inserting ''refuge roads,'' before ''public lands highways,''.

(2) ALLOCATIONS.—Section 202 of such title is amended by adding at the end the following:

''(e) REFUGE ROADS.—On October 1 of each fiscal year, the Secretary shall allocate the sums made available for that fiscal year for refuge roads according to the relative needs of the various refuges in the National Wildlife Refuge System, and taking into consideration—

''(1) the comprehensive conservation plan for each refuge;

''(2) the need for access as identified through land use planning; and

''(3) the impact of land use planning on existing transportation facilities.''.

(3) AVAILABILITY OF FUNDS.—Section 203 of such title is amended in the first and fourth sentences—

(A) by striking ''for,'' and inserting ''for''; and

(B) by inserting ''refuge roads,'' after ''parkways,'' each place it appears.

(4) USE OF FUNDING.—Section 204 of such title is amended by adding at the end the following:

''(k) REFUGE ROADS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, funds made available for refuge roads shall be used by the Secretary and the Secretary of the Interior only to pay the cost of—

''(A) maintenance and improvements of refuge roads;

''(B) maintenance and improvements of eligible projects described in paragraphs (2), (5), (6) of subsection (h) that are located in or adjacent to wildlife refuges; and

''(C) administrative costs associated with such maintenance and improvements.

''(2) CONTRACTS.—In carrying out paragraph (1), the Secretary and the Secretary of the Interior, as appropriate, may enter into contracts with a State or civil subdivision of a State or Indian tribe as is determined advisable.

''(3) COMPLIANCE WITH OTHER LAW.—Funds made available for refuge roads shall be used only for projects that are in compliance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).''.

SEC. 1116. WOODROW WILSON MEMORIAL BRIDGE.

(a) DEFINITIONS.—Section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 628) is amended—

(1) in paragraph (3) by striking '', including approaches thereto''; and

(2) in paragraph (5) by striking ''to be determined under section 407. Such'' and all that follows through the period at the end and inserting the following: ''as described in the record of decision executed by the Secretary in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The term includes ongoing short-term rehabilitation and repairs to the Bridge.''.

(b) OWNERSHIP OF BRIDGE.—

(1) CONVEYANCE BY THE SECRETARY.—Section 407(a)(1) of such Act (109 Stat. 630) is amended by inserting ''or any Capital Region jurisdiction'' after ''Authority'' each place it appears.

(2) AGREEMENT.—Section 407 of such Act (109 Stat. 630) is amended by striking subsection (c) and inserting the following:

''(c) AGREEMENT.—

''(1) IN GENERAL.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed by the Secretary and the Authority or any Capital Region jurisdiction that accepts ownership of the new bridge.

''(2) TERMS OF THE AGREEMENT.—The agreement shall—

''(A) identify whether the Authority or a Capital Region jurisdiction will accept ownership of the new bridge;

''(B) contain a financial plan satisfactory to the Secretary, which shall be prepared before the execution of the agreement, that specifies—

''(i) the total cost of the Project, including any cost-saving measures;

''(ii) a schedule for implementation of the Project, including whether any expedited design and construction techniques will be used; and

''(iii) the sources of funding that will be used to cover any costs of the Project not funded from funds made available under section 412;

''(C) require that—

''(i) the Project include not more than 12 traffic lanes, including 8 general purpose lanes, 2 merging/diverging lanes, and 2 high occupancy vehicle, express bus, or rail transit lanes;

''(ii) the design, construction, and operation of the Project reflect the requirements of clause (i);

''(iii) 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

''(iv) the Authority and the Capital Region jurisdictions develop a process to 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 (iii); and

''(D) contain such other terms and conditions as the Secretary determines to be appropriate.''.

(c) FEDERAL CONTRIBUTION.—Such Act (109 Stat. 627) is amended by adding at the end the following:

''SEC. 412. FEDERAL CONTRIBUTION.

''(a) FUNDING.—

''(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for fiscal year 1998, $75,000,000 for fiscal year 1999, $150,000,000 for fiscal year 2000, $200,000,000 for fiscal year 2001, $225,000,000 for fiscal year 2002, and $225,000,000 for fiscal year 2003 to pay the costs of planning, preliminary engineering and design, final engineering, acquisition of rights-of-way, and construction of the Project; except that the costs associated with the Bridge shall be given priority over other eligible costs, other than design costs, of the Project.

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

''(A) the funds shall remain available until expended;

''(B) the Federal share of the cost of the Bridge component of the Project shall not exceed 100 percent; and

''(C) the Federal share of the cost of any other component of the Project shall not exceed 80 percent.

''(b) USE OF APPORTIONED FUNDS.—Nothing in this title limits the authority of any Capital Region jurisdiction to use funds apportioned to the jurisdiction under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, in accordance with the requirements for such funds, to pay any costs of the Project.

''(c) AVAILABILITY OF APPORTIONED FUNDS.—None of the funds made available under this section shall be available for construction before the execution of the agreement described in section 407(c), except that the Secretary may fund the maintenance and rehabilitation of the Bridge, the design of the Project, and right-of-way acquisition, including early acquisition of construction staging areas.''.

(d) CONFORMING AMENDMENT.—Section 405(b)(1) of such Act (109 Stat. 629) is amended by striking ''the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to''.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) APPORTIONMENT.—The Secretary shall apportion funds made available by section 102 of this Act for fiscal years 1998 through 2003 among the States based on the latest available cost to complete estimate for the Appalachian development highway system under section 201 of the Appalachian Regional Development Act of 1965 prepared by the Appalachian Regional Commission. Such funds shall be available to construct highways and access roads under section 201 of the Appalachian Regional Development Act of 1965.

(b) APPLICABILITY OF TITLE 23.—Funds authorized by section 102 of this Act for the Appalachian development highway system shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with such section 201 and such funds shall remain available until expended.

(c) FEDERAL SHARE FOR PRE-FINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking ''70'' and inserting ''80''.

(d) CORRIDOR O.—There is hereby designated as an addition to Corridor O in Pennsylvania on the Appalachian development highway system a segment from Port Matilda to Interstate Route 80 along United States Route 322, and the segment of Corridor O from the Pennsylvania State line to the improved segment in Bedford, Pennsylvania, shall be subtracted from Corridor O. Such designated addition shall not affect estimates of the cost to complete such system and such subtracted segment may be included on a map of such system for purposes of continuity only.

SEC. 1118. NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a program to make allocations to States and metropolitan planning organizations for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. A State or metropolitan planning organization may apply to the Secretary for allocations under this section.

(b) ELIGIBILITY OF CORRIDORS.—The Secretary may make allocations under this section with respect to—

(1) high priority corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991; and

(2) any other significant regional or multistate highway corridor not described in whole or in part in paragraph (1) selected by the Secretary after consideration of—

(A) the extent to which the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(B) the extent to which commercial vehicle traffic in each State—

(i) has increased since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182); and

(ii) is projected to increase in the future;

(C) the extent to which international truck-borne commodities move through each State;

(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 proposed project including the level of traffic delays at at-grade highway crossings of major rail lines in trade corridors;

(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 including State, local, and private matching funds;

(F) the value of the cargo carried by commercial vehicle traffic, to the extent that the value of the cargo and congestion impose economic costs on the Nation's economy; and

(G) encourage or facilitate major multistate or regional mobility and economic growth and development in areas underserved by existing highway infrastructure.

(c) PURPOSES.—Allocations may be made under this section for 1 or more of the following purposes:

(1) Feasibility studies.

(2) Comprehensive corridor planning and design activities.

(3) Location and routing studies.

(4) Multistate and intrastate coordination for corridors described in subsection (b).

(5) After review by the Secretary of a development and management plan for the corridor or a usable component thereof under subsection (b)—

(A) environmental review; and

(B) construction.

(d) CORRIDOR DEVELOPMENT AND MANAGEMENT PLAN.—A State or metropolitan planning organization receiving an allocation under this section shall develop, and submit to the Secretary for review, a development and management plan for the corridor or a usable component thereof with respect to which the allocation is being made. Such plan shall include, at a minimum, the following elements:

(1) A complete and comprehensive analysis of corridor costs and benefits.

(2) A coordinated corridor development plan and schedule, including a timetable for completion of all planning and development activities, environmental reviews and permits, and construction of all segments.

(3) A finance plan, including any innovative financing methods and, if the corridor is a multistate corridor, a State-by-State breakdown of corridor finances.

(4) The results of any environmental reviews and mitigation plans.

(5) The identification of any impediments to the development and construction of the corridor, including any environmental, social, political and economic objections.

In the case of a multistate corridor, the Secretary shall encourage all States having jurisdiction over any portion of such corridor to participate in the development of such plan.

(e) APPLICABILITY OF TITLE 23.—Funds made available by section 1101 of this Act to carry out this section and section 1119 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(f) COORDINATION OF PLANNING.—Planning with respect to a corridor under this section 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.

(g) STATE DEFINED.—In this section, the term ''State'' has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1119. COORDINATED BORDER INFRASTRUCTURE PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary shall establish and implement a coordinated border infrastructure program under which the Secretary may make allocations to border States and metropolitan planning organizations for areas within the boundaries of 1 or more border States for projects to improve the safe movement of people and goods at or across the border between the United States and Canada and the border between the United States and Mexico.

(b) ELIGIBLE USES.—Allocations to States and metropolitan planning organizations under this section may only be used in a border region for—

(1) improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicle and cargo movements;

(2) construction of highways and related safety and safety enforcement facilities that will facilitate vehicle and cargo movements related to international trade;

(3) operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movement;

(4) modifications to regulatory procedures to expedite cross border vehicle and cargo movements;

(5) international coordination of planning, programming, and border operation with Canada and Mexico relating to expediting cross border vehicle and cargo movements; and

(6) activities of Federal inspection agencies.

(c) SELECTION CRITERIA.—The Secretary shall make allocations under this section on the basis of—

(1) expected reduction in commercial and other motor vehicle travel time through an international border crossing as a result of the project;

(2) improvements in vehicle and highway safety and cargo security related to motor vehicles crossing a border with Canada or Mexico;

(3) strategies to increase the use of existing, underutilized border crossing facilities and approaches;

(4) leveraging of Federal funds provided under this section, including use of innovative financing, combination of such funds with funding provided under other sections of this Act, and combination with other sources of Federal, State, local, or private funding;

(5) degree of multinational involvement in the project and demonstrated coordination with other Federal agencies responsible for the inspection of vehicles, cargo, and persons crossing international borders and their counterpart agencies in Canada and Mexico;

(6) improvements in vehicle and highway safety and cargo security in and through the gateway or affected port of entry concerned;

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

(8) 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;

(9) demonstrated local commitment to implement and sustain continuing comprehensive border or affected port of entry planning processes and improvement programs; and

(10) such other factors as the Secretary determines are appropriate to promote border transportation efficiency and safety.

(d) CONSTRUCTION OF TRANSPORTATION INFRASTRUCTURE FOR LAW ENFORCEMENT PURPOSES.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available by section 1101 to carry out this section and section 1118 to the Administrator of General Services for the construction of transportation infrastructure necessary for law enforcement in border States.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) BORDER REGION.—The term ''border region'' means the portion of a border State in the vicinity of an international border with Canada or Mexico.

(2) BORDER STATE.—The term ''border State'' means any State that has a boundary in common with Canada or Mexico.

Subtitle B—General Provisions

SEC. 1201. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended to read as follows:

''(a) DEFINITIONS.—In this title, the following definitions apply:

''(1) APPORTIONMENT.—The term 'apportionment' includes unexpended apportionments made under prior authorization laws.

''(2) CARPOOL PROJECT.—The term 'carpool project' means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and individuals with disabilities, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

''(3) CONSTRUCTION.—The term 'construction' means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program. Such term includes—

''(A) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration of the Department of Commerce);

''(B) resurfacing, restoration, and rehabilitation;

''(C) acquisition of rights-of-way;

''(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

''(E) elimination of hazards of railway grade crossings;

''(F) elimination of roadside obstacles;

''(G) improvements that directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

''(H) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

''(4) COUNTY.—The term 'county' includes corresponding units of government under any other name in States that do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

''(5) FEDERAL-AID HIGHWAY.—The term 'Federal-aid highway' means a highway eligible for assistance under this chapter other than a highway classified as a local road or rural minor collector.

''(6) FEDERAL-AID SYSTEM.—The term 'Federal-aid system' means any of the Federal-aid highway systems described in section 103.

''(7) FEDERAL LANDS HIGHWAY.—The term 'Federal lands highway' means a forest highway, public lands highway, park road, parkway, refuge road, and Indian reservation road that is a public road.

''(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term 'forest development roads and trails' means forest roads and trails under the jurisdiction of the Forest Service.

''(9) FOREST HIGHWAY.—The term 'forest highway' means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

''(10) FOREST ROAD OR TRAIL.—The term 'forest road or trail' means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System that is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

''(11) HIGHWAY.—The term 'highway' includes—

''(A) a road, street, and parkway;

''(B) a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, sign, guardrail, and protective structure, in connection with a highway; and

''(C) a portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

''(12) INDIAN RESERVATION ROAD.—The term 'Indian reservation road' means a public road that is located within or provides access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

''(13) INTERSTATE SYSTEM.—The term 'Interstate System' means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(c).

''(14) MAINTENANCE.—The term 'maintenance' means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for safe and efficient utilization of the highway.

''(15) MAINTENANCE AREA.—The term 'maintenance area' means an area that was designated as a nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

''(16) NATIONAL HIGHWAY SYSTEM.—The term 'National Highway System' means the Federal-aid highway system described in section 103(b).

''(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term 'operating costs for traffic monitoring, management, and control' includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

''(18) OPERATIONAL IMPROVEMENT.—The term 'operational improvement'—

''(A) means (i) a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs, and (ii) such other capital improvements to public roads as the Secretary may designate, by regulation; and

''(B) does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

''(19) PARK ROAD.—The term 'park road' means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

''(20) PARKWAY.—The term 'parkway', as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

''(21) PROJECT.—The term 'project' means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

''(22) PROJECT AGREEMENT.—The term 'project agreement' means the formal instrument to be executed by the State transportation department and the Secretary as required by section 106.

''(23) PUBLIC AUTHORITY.—The term 'public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

''(24) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term 'public lands development

roads and trails' means those roads and trails that the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under the control of the Secretary of the Interior.

''(25) PUBLIC LANDS HIGHWAY.—The term 'public lands highway' means a forest road under the jurisdiction of and maintained by a public authority and open to public travel or any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

''(26) PUBLIC LANDS HIGHWAYS.—The term 'public lands highways' means those main highways through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, which are on the Federal-aid systems.

''(27) PUBLIC ROAD.—The term 'public road' means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

''(28) REFUGE ROAD.—The term 'refuge road' means a public road that provides access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the United States Government.

''(29) RURAL AREAS.—The term 'rural areas' means all areas of a State not included in urban areas.

''(30) SAFETY IMPROVEMENT PROJECT.—The term 'safety improvement project' means a project that corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at locations with high accident potential.

''(31) SECRETARY.—The term 'Secretary' means Secretary of Transportation.

''(32) STATE.—The term 'State' means any of the 50 States, the District of Columbia, or Puerto Rico.

''(33) STATE FUNDS.—The term 'State funds' includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State transportation department.

''(34) STATE TRANSPORTATION DEPARTMENT.—The term 'State transportation department' means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

''(35) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term 'transportation enhancement activities' means, with respect to any project or the area to be served by the project, any of the following activities if such activity relates to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs (including the provision of tourist and welcome center facilities), landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and establishment of transportation museums.

''(36) URBAN AREA.—The term 'urban area' means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

''(37) URBANIZED AREA.—The term 'urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census.''.

SEC. 1202. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) IN GENERAL.—Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting ''pedestrian walkways and'' after ''construction of''; and

(B) by striking ''(other than the Interstate System)'';

(2) in subsection (e) by striking '', other than a highway access to which is fully controlled,'';

(3) by striking subsection (g) and inserting the following:

''(g) PLANNING AND DESIGN.—

''(1) IN GENERAL.—Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

''(2) SAFETY CONSIDERATIONS.—Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Safety considerations shall include the installation, where appropriate, and maintenance of audible traffic signals and audible signs at street crossings.'';

(4) in subsection (h) by striking ''No motorized vehicles shall'' and inserting ''Motorized vehicles may not'';

(5) in subsection (h)(3)—

(A) by striking ''when State and local regulations permit,''; and

(B) by striking ''and'' at the end;

(6) in subsection (h)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following:

''(4) when State or local regulations permit, electric bicycles; and''; and

(7) by striking subsection (j) and inserting the following:

''(j) DEFINITIONS.—In this section, the following definitions apply:

''(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists and a traffic control device, shelter, or parking facility for bicycles.

''(2) ELECTRIC BICYCLE.—The term 'electric bicycle' means any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.

''(3) PEDESTRIAN.—The term 'pedestrian' means any person traveling by foot and any mobility impaired person using a wheelchair.

''(4) WHEELCHAIR.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or motorized.''.

(b) DESIGN GUIDANCE.—

(1) IN GENERAL.—In implementing section 217(g) of title 23, United States Code, the Secretary, in cooperation with the American Association of State Highway and Transportation Officials, the Institute of Transportation Engineers, and other interested organizations, shall develop guidance on the various approaches to accommodating bicycles and pedestrian travel.

(2) ISSUES TO BE ADDRESSED.—The guidance shall address issues such as the level and nature of the demand, volume, and speed of motor vehicle traffic, safety, terrain, cost, and sight distance.

(3) RECOMMENDATIONS.—The guidance shall include recommendations on amending and updating the policies of the American Association of State Highway and Transportation Officials relating to highway and street design standards to accommodate bicyclists and pedestrians.

(4) TIME PERIOD FOR DEVELOPMENT.—The guidance shall be developed within 18 months after the date of enactment of this Act.

(c) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—Section 109(n) of such title is amended to read as follows:

''(n) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonable alternate route or such a route exists.''.

(d) RAILWAY-HIGHWAY CROSSINGS.—Section 130 of such title is amended by adding at the end the following:

''(j) BICYCLE SAFETY.—In carrying out projects under this section, a State shall take into account bicycle safety.''.

(e) NATIONAL BICYCLE SAFETY EDUCATION CURRICULUM.—

(1) DEVELOPMENT.—The Secretary is authorized to develop a national bicycle safety education curriculum that may include courses relating to on-road training.

(2) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall transmit to Congress a copy of the curriculum.

(3) FUNDING.—From amounts made available under section 210, the Secretary may use not to exceed $500,000 for fiscal year 1999 to carry out this subsection.

SEC. 1203. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS.—Section 134(a) of title 23, United States Code, is amended to read as follows:

''(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 and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

''(2) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

''(3) CONTENTS.—The plans and programs 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.

''(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) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

(1) IN GENERAL.—Section 134(b) of such title is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

''(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

''(B) in accordance with procedures established by applicable State or local law.

''(2) STRUCTURE.—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—

''(A) local elected officials;

''(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and

''(C) appropriate State officials.''.

(2) CONTINUING DESIGNATION.—Section 134(b)(4) of such title is amended to read as follows:

''(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).''.

(3) REDESIGNATION.—Section 134(b)(5)(A) of such title is amended—

(A) by striking ''among'' and inserting ''between''; and

(B) by striking ''which together'' and inserting ''that together''.

(4) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—Section 134(b)(6) of such title is amended to read as follows:

''(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.''.

(c) METROPOLITAN PLANNING AREA BOUNDARIES.—Section 134(c) of such title is amended—

(1) in the subsection heading by inserting ''PLANNING'' before ''AREA'';

(2) in the first sentence—

(A) by striking ''For the purposes'' and inserting the following:

''(1) IN GENERAL.—For the purposes''; and

(B) by inserting ''planning'' before ''area'';

(3) by striking the second sentence and all that follows and inserting the following:

''(2) INCLUDED AREA.—Each metropolitan planning area—

''(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

''(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

''(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (b)(5).

''(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

''(A) shall be established in the manner described in subsection (b)(1);

''(B) shall encompass the areas described in paragraph (2)(A);

''(C) may encompass the areas described in paragraph (2)(B); and

''(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.''; and

(4) by aligning paragraph (1) (as designated by paragraph (2)(A) of this subsection) with paragraphs (2) through (4) (as inserted by paragraph (3) of this subsection).

(d) COORDINATION IN MULTISTATE AREAS.—Section 134(d) of such title is amended to read as follows:

''(d) COORDINATION IN MULTISTATE AREAS.—

''(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

''(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

''(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

''(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

''(3) LAKE TAHOE REGION.—

''(A) DEFINITION.—In this paragraph, the term 'Lake Tahoe region' has the meaning given the term 'region' in subdivision (a) of article II of the Tahoe Regional Planning Compact, as set forth in the first section of Public Law 96–551 (94 Stat. 3234).

''(B) TRANSPORTATION PLANNING PROCESS.—The Secretary shall—

''(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region a transportation planning process for the region; and

''(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

''(C) INTERSTATE COMPACT.—

''(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

''(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

''(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under clause (i) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

''(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

''(D) ACTIVITIES.—Highway projects included in transportation plans developed under this paragraph—

''(i) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

''(ii) may, in accordance with chapter 2, be funded using funds allocated under section 202.

''(4) RECIPIENTS OF OTHER ASSISTANCE.—The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the design and delivery of transportation services within the metropolitan planning area that are provided—

''(A) by recipients of assistance under chapter 53 of title 49; and

''(B) by governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide nonemergency transportation services.''.

(e) COORDINATION OF MPOS.—Section 134(e) of such title is amended—

(1) in the subsection heading by striking ''MPO'S'' and inserting ''MPOS'';

(2) by striking ''If'' and inserting the following:

''(1) NONATTAINMENT AREAS.—If'';

(3) by adding at the end the following:

''(2) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than 1 metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.''; and

(4) by aligning paragraph (1) (as designated by paragraph (2) of this subsection) with paragraph (2) (as added by paragraph (3) of this subsection).

(f) SCOPE OF PLANNING PROCESS.—Section 134(f) of such title is amended to read as follows:

''(f) SCOPE OF PLANNING PROCESS.—

''(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

''(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

''(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

''(C) increase the accessibility and mobility options available to people and for freight;

''(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

''(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

''(F) promote efficient system management and operation; and

''(G) emphasize the preservation of the existing transportation system.

''(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.''.

(g) LONG-RANGE TRANSPORTATION PLAN.—Section 134(g) of such title is amended—

(1) in paragraph (2) by striking '', at a minimum'' and inserting ''contain, at a minimum, the following'';

(2) in paragraph (2)(A) by striking ''Identify'' and inserting ''An identification of''; and

(3) by striking paragraph (2)(B) and inserting the following:

''(B) A financial plan that demonstrates how the adopted long-range transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.'';

(4) in paragraph (4)—

(A) by inserting after ''employees,'' the following: ''freight shippers, providers of freight transportation services,''; and

(B) by inserting after ''private providers of transportation,'' the following: ''representatives of users of public transit,'';

(5) by adding at the end the following:

''(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(B), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B).'';

(6) in the subsection heading by striking ''LONG RANGE PLAN'' and inserting ''LONG-RANGE TRANSPORTATION PLAN'';

(7) in the headings for paragraphs (2) and (5) by striking ''LONG RANGE PLAN'' and inserting ''LONG-RANGE TRANSPORTATION PLAN''; and

(8) by striking ''long range plan'' each place it appears and inserting ''long-range transportation plan''.

(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 134(h) of such title is amended to read as follows:

''(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, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, 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 priority list 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;

''(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

''(iv) may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available.

''(3) INCLUDED PROJECTS.—

''(A) PROJECTS UNDER THIS CHAPTER AND CHAPTER 53 OF TITLE 49.—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 this chapter and chapter 53 of title 49.

''(B) PROJECTS UNDER CHAPTER 2.—

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

''(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 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, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, 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 this chapter, 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 in the program.

''(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

''(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

''(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved transportation improvement program.

''(7) PUBLICATION.—

''(A) PUBLICATION OF TRANSPORTATION IMPROVEMENT PROGRAMS.—A transportation improvement program involving Government participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

''(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—An annual listing of projects for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the transportation improvement program.''.

(i) TRANSPORTATION MANAGEMENT AREAS.—

(1) REQUIRED DESIGNATIONS.—Section 134(i)(1) of such title is amended to read as follows:

''(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) SELECTION OF PROJECTS.—Section 134(i)(4) of such title is amended to read as follows:

''(4) SELECTION OF PROJECTS.—

''(A) IN GENERAL.—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 and projects carried out under the bridge program or the Interstate maintenance program) 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 and projects carried out within such boundaries under the bridge program or the Interstate maintenance program 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.''.

(3) CERTIFICATION.—Section 134(i)(5) of such title is amended to read as follows:

''(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.

''(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.''.

(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—Section 134(j) of such title is amended to read as follows:

''(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 long-range transportation plan and transportation improvement program for the metropolitan area 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.—Section 134(l) of such title is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding''; and

(2) by adding at the end the following:

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

(l) FUNDING.—Section 134(n) of such title is amended to read as follows:

''(n) FUNDING.—

''(1) IN GENERAL.—Funds set aside under section 104(f) of this title to carry out sections 5303 through 5305 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.''.

(m) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 134 of such title is amended by adding at the end the following:

''(o) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

(n) 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. 1204. STATEWIDE PLANNING.

(a) GENERAL REQUIREMENTS.—Section 135(a) of title 23, United States Code, is amended to read as follows:

''(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 and foster economic growth and development within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

''(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 and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for 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) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—Section 135(b) of such title is amended by inserting after ''of this title'' the following: ''and sections 5303 through 5305 of title 49''.

(c) SCOPE OF PLANNING PROCESS.—Section 135(c) of such title is amended to read as follows:

''(c) SCOPE OF PLANNING PROCESS.—

''(1) IN GENERAL.—Each State shall carry out a transportation planning process that provides for consideration of projects and strategies that will—

''(A) support the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

''(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

''(C) increase the accessibility and mobility options available to people and for freight;

''(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

''(E) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

''(F) promote efficient system management and operation; and

''(G) emphasize the preservation of the existing transportation system.

''(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.''.

(d) ADDITIONAL REQUIREMENTS.—Section 135(d) of such title is amended to read as follows:

''(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.—Section 135(e) of such title is amended to read as follows:

''(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 long-range transportation plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5303 of title 49.

''(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area, the long-range transportation plan shall be developed in consultation with affected local officials with responsibility for transportation.

''(C) INDIAN TRIBAL AREAS.—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) PARTICIPATION BY INTERESTED PARTIES.—In developing the long-range transportation plan, the State shall—

''(A) provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, representatives of users of public transit, providers of freight transportation services, 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.

''(4) FINANCIAL PLAN.—The long-range transportation plan may include a financial plan that demonstrates how the adopted long-range transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

''(5) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (4), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (4).''.

(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—Section 135(f) of such title is amended to read as follows:

''(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

''(1) DEVELOPMENT.—

''(A) IN GENERAL.—Each 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 5303 of title 49.

''(ii) NONMETROPOLITAN AREAS.—

''(I) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected local officials with responsibility for transportation.

''(II) REVIEW.—Not later than 1 year after the date of enactment of this subclause, the State shall submit to the Secretary the details of the consultative planning process developed by the State for nonmetropolitan areas under subclause (I). The Secretary shall not review or approve such process.

''(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, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transit, 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 in the transportation improvement program.

''(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 in the transportation improvement program.

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

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

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

''(iii) 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 such Act.

''(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.

''(E) FINANCIAL PLAN.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

''(F) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

''(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (E), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E).

''(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (E) for inclusion in an approved transportation improvement program.

''(G) PRIORITIES.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, 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 and projects carried out under the bridge program or the Interstate maintenance program) 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 and projects carried out in such areas under the bridge program or the Interstate maintenance program 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, section 134, and sections 5303 through 5305 of title 49, 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 in the program.''.

(g) FUNDING.—Section 134(g) of such title is amended by striking ''section 307(c)(1)'' and inserting ''section 505(a)''.

(h) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 135 of such title is amended by adding at the end the following:

''(i) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

(i) PARTICIPATION OF LOCAL ELECTED OFFICIALS.—

(1) STUDY.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming. In conducting the study, the Secretary shall consider the degree of cooperation between each State, local officials in rural areas in the State, and regional planning and development organizations in the State.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 1205. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

(a) CONTRACTING PROCEDURES.—Section 112(b)(2) of title 23, United States Code, is amended in clauses (i) and (ii) of subparagraph (B) by striking '', except to'' each place it appears and all that follows through the period at the end and inserting a period.

(b) SELECTION PROCESS.—Section 112 of title 23, United States Code, is amended by adding at the end the following:

''(g) SELECTION PROCESS.—A State may procure, under a single contract, the services of a consultant to prepare any environmental impact assessments or analyses required for a project, including environmental impact statements, as well as subsequent engineering and design work on the project if the State conducts a review that assesses the objectivity of the environmental assessment, environmental analysis, or environmental impact statement prior to its submission to the Secretary.''.

SEC. 1206. ACCESS OF MOTORCYCLES.

Section 102 of title 23, United States Code, is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

''(b) ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may enact or enforce a law that applies only to motorcycles and the principal purpose of which is to restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance. Nothing in this subsection shall affect the authority of a State or political subdivision of a State to regulate motorcycles for safety.''.

SEC. 1207. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) FERRY OPERATING AND LEASING AMENDMENTS.—Section 129(c)(3) of title 23, United States Code, is amended by striking ''owned.'' and inserting ''owned or operated or majority publicly owned if the Secretary determines with respect to a majority publicly owned ferry or ferry terminal facility that such ferry boat or ferry terminal facility provides substantial public benefits.''; and

(b) REAUTHORIZATION.—Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended—

(1) in the second sentence of subsection (c) by striking ''Such sums'' and inserting ''Sums made available to carry out this section'';

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

(3) by inserting after subsection (c) the following:

''(d) SET-ASIDE FOR PROJECTS ON NHS.—

''(1) IN GENERAL.—$20,000,000 of the amount made available to carry out this section for each of fiscal years 1999 through 2003 shall be obligated for the construction or refurbishment of ferry boats and ferry terminal facilities and approaches to such facilities within marine highway systems that are part of the National Highway System.

''(2) ALASKA.—$10,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Alaska.''.

''(3) NEW JERSEY.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of New Jersey.''.

''(4) WASHINGTON.—$5,000,000 of the $20,000,000 for a fiscal year made available under paragraph (1) shall be made available to the State of Washington.''.

(c) STUDY.—

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

(A) to identify existing ferry operations, including—

(i) the locations and routes served; and

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

(B) to identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes; and

(C) to identify the potential for use of high-speed ferry services and alternative-fueled ferry services.

(2) REPORT.—The Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure of the

House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 1208. TRAINING.

(a) TRAINING POSITIONS FOR WELFARE RECIPIENTS.—Section 140(a) of title 23, United States Code, is amended by inserting after the third sentence the following: ''In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted or preclude workers that are participating in an apprenticeship, skill improvement, or other upgrading program registered with the Department of Labor or the appropriate State agency from being referred to, or hired on, projects funded under this title without regard to the length of time of their participation in such program.''.

(b) HIGHWAY TRAINING.—Section 140(b) of such title is amended—

(1) in the first sentence—

(A) by inserting ''and technology'' after ''construction''; and

(B) by inserting after ''programs'' the following: '', and to develop and fund summer transportation institutes''; and

(2) in the second sentence by striking ''104(b)'' and inserting ''104(b)(3)''.

(c) SUPPORTIVE SERVICES.—Section 140(c) of such title is amended by striking ''104(a)'' and inserting ''104(b)(3)''.

SEC. 1209. USE OF HOV LANES BY INHERENTLY LOW-EMISSION VEHICLES.

Section 102(a) of title 23, United States Code, is amended—

(1) by striking ''A State'' and inserting the following:

''(1) IN GENERAL.—A State'';

(2) by adding at the end the following:

''(2) EXCEPTION FOR INHERENTLY LOW-EMISSION VEHICLES.—Notwithstanding paragraph (1), before September 30, 2003, a State may permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicle is certified as an Inherently Low-Emission Vehicle pursuant to title 40, Code of Federal Regulations, and is labeled in accordance with, section 88.312–93(c) of such title. Such permission may be revoked by the State should the State determine it necessary.''; and

(3) by aligning the remainder of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 1210. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish an advanced travel forecasting procedures program—

(1) to provide for completion of the advanced transportation model developed under the Transportation Analysis Simulation System (referred to in this section as ''TRANSIMS''); and

(2) to provide support for early deployment of the advanced transportation modeling computer software and graphics package developed under TRANSIMS and the program established under this section to States, local governments, and metropolitan planning organizations with responsibility for travel modeling.

(b) ELIGIBLE ACTIVITIES.—The Secretary shall use funds made available under this section to—

(1) provide funding for completion of core development of the advanced transportation model;

(2) develop user-friendly advanced transportation modeling computer software and graphics packages;

(3) provide training and technical assistance with respect to the implementation and application of the advanced transportation model to States, local governments, and metropolitan planning organizations with responsibility for travel modeling; and

(4) allocate funds to not more than 12 entities described in paragraph (3), representing a diversity of populations and geographic regions, for a pilot program to enable transportation management areas designated under section 134(i) of title 23, United States Code, to convert from the use of travel forecasting procedures in use by the areas as of the date of enactment of this Act to the use of the advanced transportation model.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $4,000,000 for fiscal year 1998, $3,000,000 for fiscal year 1999, $6,500,000 for fiscal year 2000, $5,000,000 for fiscal year 2001, $4,000,000 for fiscal year 2002, and $2,500,000 for fiscal year 2003.

(2) ALLOCATION OF FUNDS.—

(A) FISCAL YEARS 1998 AND 1999.—For each of fiscal years 1998 and 1999, 100 percent of the funds made available under paragraph (1) shall be allocated to activities in described in paragraphs (1), (2), and (3) of subsection (b).

(B) FISCAL YEARS 2000 THROUGH 2003.—For each of fiscal years 2000 through 2003, not more than 50 percent of the funds made available under paragraph (1) may be allocated to activities described in subsection (b)(4).

(3) 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) any activity described in paragraph (1), (2), or (3) of subsection (b) shall not exceed 100 percent; and

(B) any activity described in subsection (b)(4) shall not exceed 80 percent.

SEC. 1211. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS.

(a) PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.—Section 1069(gg) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 593 et seq.) is amended by adding at the end the following:

''(3) PENNSYLVANIA STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.—In furtherance of the redevelopment of the James A. Farley Post Office in New York, New York, into an intermodal transportation facility and commercial center, the Secretary, the Administrator of the Federal Railroad Administration, or their designees are authorized to serve as ex officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.''.

(b) UNION STATION REDEVELOPMENT CORPORATION BOARD OF DIRECTORS.—Subtitle B of title I of the National Visitor Center Facilities Act of 1968 (40 U.S.C. 811 et seq.) is amended by adding at the end the following:

''SEC. 120. UNION STATION REDEVELOPMENT CORPORATION.

''To further the rehabilitation, redevelopment and operation of the Union Station complex, the Secretary of Transportation, the Administrator of the Federal Railroad Administration, or their designees are authorized to serve as ex officio members of the Board of Directors of the Union Station Redevelopment Corporation.

(c) SAFETY BELT USE LAW REQUIREMENTS.—Section 355 of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended—

*(1) in the section heading by striking ''**and MAINE**'';*

(2) in subsection (a)—

(A) by striking ''States of New Hampshire and Maine shall each'' and inserting ''State of New Hampshire shall''; and

(B) in paragraph (1) by striking ''and 1996'' and inserting ''through 2000''; and

(3) by striking ''or Maine'' each place it appears.

(d) METRIC CONVERSION AT STATE OPTION.—Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking ''Before September 30, 2000, the'' and inserting ''The''.

(e) RIGHT-OF-WAY REVOLVING FUND.—

(1) TERMINATION.—Section 108 of title 23, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) TRANSITION PROVISION.—

(A) IN GENERAL.—Funds advanced to a State by the Secretary from the right-of-way revolving fund established by section 108(c) of title 23, United States Code, prior to the date of enactment of this Act shall remain available to the State for use on the projects for which the funds were advanced for a period of 20 years from the date on which the funds were advanced.

(B) CREDIT TO HIGHWAY TRUST FUND.—With respect to a project for which funds have been advanced from the right-of-way revolving fund, upon the termination of the 20-year period referred to in subparagraph (A), when actual construction is commenced, or upon approval by the Secretary of the plans, specifications, and estimates for the actual construction of the project on the right-of-way, whichever occurs first—

(i) the Highway Trust Fund (other than the Mass Transit Account) shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of title 23, United States Code, out of any Federal-aid highway funds apportioned to the State in which the project is located and available for obligation for projects of the type funded; and

(ii) the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the Highway Trust Fund (other than the Mass Transit Account).

(g) PILOT TOLL COLLECTION PROGRAM.—Section 129 of title 23, United States Code, is amended by striking subsection (d).

(h) CONGRESSIONAL BRIDGE COMMISSIONS.—Public Law 87–441 (76 Stat. 59) is repealed.

(i) ISTEA HIGH PRIORITY CORRIDORS.—

(1) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended—

(A) by striking paragraph (5)(B)(iii)(I)(ff) and inserting the following:

''(ff) South Carolina State line to the Myrtle Beach Conway region to Georgetown, South Carolina, including a connection to Andrews following the route 41 corridor and to Camden following the U.S. Route 521 corridor; and'';

(B) by striking paragraph (5)(B)(iii)(II)(hh) and inserting the following:

''(hh) South Carolina State line to the Myrtle Beach Conway region to Georgetown, South Carolina.'';

(C) in paragraph (9) by inserting after ''New York'' the following: '', including United States Route 322 between United States Route 220 and I–80'';

(D) in paragraph (18)—

(i) by striking ''(18) Corridor from Indianapolis,'' and inserting the following:

''(18) Corridor from Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along Interstate Route 69 through Indianapolis,''; and

(ii) by striking ''and to include'' and inserting the following: ''as follows:

''(A) In Michigan, the corridor shall be from Sarnia, Ontario, Canada, southwesterly along Interstate Route 94 to the Ambassador Bridge interchange in Detroit, Michigan.

''(B) In Michigan and Illinois, the corridor shall be from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along Interstate Route 94 to Chicago, Illinois.

''(C) In Tennessee, Mississippi, Arkansas, and Louisiana, the Corridor shall—

''(i) follow the alignment generally identified in the Corridor 18 Special Issues Study Final Report; and

''(ii) include a connection between the Corridor in the vicinity of Monticello, Arkansas, to Pine Bluff, Arkansas.

''(D) In the Lower Rio Grande Valley, the Corridor shall—

''(i) include United States Route 77 from the Rio Grande River to Interstate Route 37 at Corpus Christi, Texas, and then to Victoria, Texas, via United States Route 77;

''(ii) include United States Route 281 from the Rio Grande River to Interstate Route 37 and then to Victoria, Texas, via United States Route 59; and

''(iii) include'';

(E) in paragraph (21) by striking ''United States Route 17 in the vicinity of Salamanca, New York'' and inserting ''Interstate Route 80'';

(F) by inserting '', including I–29 between Kansas City and the Canadian border'' before the period at the end of paragraph (23); and

(G) by inserting after paragraph (29) the following:

''(30) Interstate Route 5 in the States of California, Oregon, and Washington, including California State Route 905 between Interstate Route 5 and the Otay Mesa Port of Entry.

''(31) The Mon-Fayette Expressway and Southern Beltway in Pennsylvania and West Virginia.

''(32) The Wisconsin Development Corridor from the Iowa, Illinois, and Wisconsin border near Dubuque, Iowa, to the Upper Mississippi River Basin near Eau Claire, Wisconsin, as follows:

''(A) United States Route 151 from the Iowa border to Fond du Lac via Madison, Wisconsin, then United States Route 41 from Fond du Lac to Marinette via Oshkosh, Appleton, and Green Bay, Wisconsin.

''(B) State Route 29 from Green Bay to I–94 via Wausau, Chippewa Falls, and Eau Claire, Wisconsin.

''(C) United States Route 10 from Appleton to Marshfield, Wisconsin.

''(33) The Capital Gateway Corridor following United States Route 50 from the proposed intermodal transportation center connected to I–395 in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland.

''(34) The Alameda Corridor East and Southwest Passage, California. The Alameda Corridor East is generally described as 52.8 miles from east Los Angeles (terminus of Alameda Corridor) through the San Gabriel Valley terminating at Colton Junction in San Bernardino. The Southwest Passage shall follow I–10 from San Bernardino to the Arizona State line and I–8 from San Diego to the Arizona State line.

''(35) Everett-Tacoma FAST Corridor.

''(36) New York and Pennsylvania State Route 17 from Harriman, New York, to its intersection with I–90 in Pennsylvania.

''(37) United States Route 90 from I–49 in Lafayette, Louisiana, to I–10 in New Orleans.

''(38) The Ports-to-Plains Corridor from the Mexican Border via I–27 to Denver, Colorado.

''(39) United States Route 63 from Marked Tree, Arkansas, to I–55.

''(40) The Greensboro Corridor from Danville, Virginia, to Greensboro, North Carolina, along United States Route 29.

''(41) The Falls-to-Falls Corridor—United States Route 53 from International Falls on the Minnesota/Canada border to Chippewa Falls, Wisconsin.

''(42) 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 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.

''(43) The United States Route 95 Corridor from the Canadian border at Eastport, Idaho, to the Oregon State border.''.

(2) PROVISIONS APPLICABLE TO CORRIDORS.—Section 1105(e)(5)(A) of such Act is amended—

(A) by inserting after ''referred to'' the first place it appears the following: ''in subsection (c)(1),'';

(B) by striking ''and'' the second place it appears; and

(C) by inserting after ''(c)(20)'' the following: '', in subsection (c)(36), in subsection (c)(37), in subsection (c)(40), and in subsection (c)(42)''.

(3) ROUTES.—Section 1105(e)(5) of such Act is further amended—

(A) in subparagraph (A) by inserting ''(except with respect to Georgetown County)'' before ''(iii)'';

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

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

''(B) ROUTES.—

''(i) DESIGNATION.—The routes referred to in subsections (c)(18) and (c)(20) shall be designated as Interstate Route I–69. A State having jurisdiction over any segment of routes referred to in subsections (c)(18) and (c)(20) shall erect signs identifying such segment that is consistent with the criteria set forth in subsections (e)(5)(A)(i) and (e)(5)(A)(ii) as Interstate Route I–69, including segments of United States Route 59 in the State of Texas. The segment identified in subsection (c)(18)(B)(i) shall be designated as Interstate Route I–69 East, and the segment identified in subsection (c)(18)(B)(ii) shall be designated as Interstate Route I–69 Central. The State of Texas shall erect signs identifying such routes as segments of future Interstate Route I–69.

''(ii) RULEMAKING TO DETERMINE FUTURE INTERSTATE SIGN ERECTION CRITERIA.—The Secretary shall conduct a rulemaking to determine the appropriate criteria for the erection of signs for future routes on the Interstate System identified in subparagraph (A). Such rulemaking shall be undertaken in consultation with States and local officials and shall be completed not later than December 31, 1998.'';

(D) by striking the last sentence of subparagraph (A) and inserting it as the first sentence of subparagraph (B)(i) (as inserted by subparagraph (C) of this paragraph); and

(E) in subparagraph (D) (as redesignated by subparagraph (B) of this paragraph), by striking ''(C)'' and inserting ''(D)''.

(j) WINTER HOME HEATING OIL DELIVERY.—Section 346 of the National Highway System Designation Act of 1995 (109 Stat. 615–616) is amended—

(1) in subsection (a) by striking ''season in the 6-month period beginning on November 1, 1996'' and inserting ''seasons in the 18-month period beginning on November 1, 1998''; and

(2) by adding at the end the following:

''(g) STUDY.—Not later than 1 year after the completion of the pilot program, the Secretary shall submit to Congress a report on the results of the program, including an assessment of any impact on public safety.''.

(k) FUTURE CORRIDOR SEGMENT.—

(1) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing an Interstate quality road for a route that runs in south/west direction generally along United States Route 61 and crosses the Mississippi River in the vicinity of Memphis, Tennessee, to Highway 79 and generally follows Highway 79 to Pine Bluff, Arkansas.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $500,000 for fiscal year 1999 to carry out the study.

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended.

(l) BATON ROUGE, LOUISIANA.—

(1) REDUCTION IN SCOPE OF PROJECT.—Section 149(a) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181–198) is amended in paragraph (47)(B)—

(A) by inserting ''and'' after the semicolon at the end of clause (i);

(B) by striking ''; and'' at the end of clause (ii) and inserting a period; and

(C) by striking clause (iii).

(2) APPLICABILITY OF OBLIGATION LIMITATION.—Notwithstanding any other provision of law, the project described in section 149(a)(47)(B) of such Act shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

(m) AMENDMENTS TO SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—Section 146 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2130), relating to lane restrictions, is repealed.

(n) SUBSTITUTE PROJECT.—Section 1045 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1994) is amended in subsection (a)—

(1) by striking ''(a) APPROVAL OF PROJECT.—Notwithstanding'' and inserting the following:

''(a) APPROVAL OF PROJECT.—

''(1) Notwithstanding''; and

(2) by adding at the end the following new paragraph:

''(2) Notwithstanding paragraph (1) and subsection (c) of this section, upon the request of the Governor of the State of Wisconsin, submitted by October 1, 2000, the Secretary shall approve 1 or more substitute projects in lieu of the substitute project approved by the Secretary under paragraph (1) and subsection (c) of this section.''.

SEC. 1212. MISCELLANEOUS.

(a) STATE TRANSPORTATION DEPARTMENT.—

(1) IN GENERAL.—Section 302 of title 23, United States Code, is amended—

(A) in subsection (a) by striking the second sentence; and

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

''(b) EFFECT OF COMPLIANCE.—Compliance with subsection (a) shall have no effect on the eligibility of costs.''.

(2) CHANGE IN TERM DEFINED.—

(A) IN GENERAL.—Title 23, United States Code, is amended—

(i) by striking ''State highway department'' each place it appears and inserting ''State transportation department''; and

(ii) by striking ''State highway departments'' each place it appears and inserting ''State transportation departments''.

(B) CONFORMING AMENDMENTS.—

(i) The analysis for chapter 3 of title 23, United States Code, is amended in the item relating to section 302 by striking ''highway'' and inserting ''transportation''.

(ii) Section 302 of title 23, United States Code, is amended in the section heading by striking ''***highway***'' and inserting ''***transportation***''.

(iii) Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking ''State highway department'' and inserting ''State transportation department''.

(iv) Section 138(c) of the Surface Transportation Assistance Act of 1978 (40 U.S.C. App. (note to section 201 of the Appalachian Regional Development Act of 1965); 92 Stat. 2710) is amended in the first sentence—

(I) by striking ''Federal-aid primary system'' and inserting ''National Highway System''; and

(II) by striking ''State highway department'' and inserting ''State transportation department''.

(b) INFRASTRUCTURE AWARENESS PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to fund the production, in cooperation with a not-for-profit national public television station and the National Academy of Engineering, of a documentary about infrastructure that shall demonstrate how public works and infrastructure projects stimulate job growth and the economy and contribute to the general welfare of the Nation.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal share of the cost of production of the documentary shall be 60 percent. The non-Federal share shall be provided from private sources and shall include amounts expended by such sources for the production before the date of enactment of this Act.

(B) CALCULATION.—The calculation of the Federal and non-Federal shares under this paragraph shall be made over the term for which sums are authorized to be appropriated under paragraph (3).

(3) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $888,000 for fiscal year 1998, and $1,000,000 for each of fiscal years 1999 and 2000. Such funds shall remain available until expended.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this paragraph shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this subsection shall be determined in accordance with this subsection.

(c) MASS TRANSPORTATION BUSES.—Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended by striking ''the date on which'' and all that follows through ''1995'' and inserting ''October 1, 2003''.

(d) VEHICLE WEIGHT LIMITATIONS.

(1) IN GENERAL.—Section 127(a) of title 23, United States Code, is amended—

(A) by inserting before the next to the last sentence the following: ''With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.''; and

(B) by adding at the end the following: ''The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually. With respect to Interstate Route 95 in the State of New Hampshire, State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations) of the State of Maine concerning vehicle weight limitations that were in effect on October 1, 1995, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.''.

(2) STUDIES.—

(A) COLORADO.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Colorado shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(A), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(B) LOUISIANA.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Louisiana shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(C) MAINE.—

(i) IN GENERAL.—In consultation with the Secretary, the State of Maine shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(D) NEW HAMPSHIRE.—

(i) IN GENERAL.—In consultation with the Secretary, the State of New Hampshire shall conduct a study analyzing the economic, safety, and infrastructure impacts of the exemption provided by the amendment made by paragraph (1)(B), including the impact of not having such an exemption. In preparing the study, the State shall provide adequate opportunity for public comment.

(ii) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $200,000 for fiscal year 1999 to carry out the study.

(E) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this paragraph shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

(k) DRIVER TRAINING AND SAFETY CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to establish a driver training and safety center at Connellsville, Pennsylvania.

(2) PURPOSE.—The purpose of the facility shall be to train and enhance the driving skills of motor vehicle and emergency vehicle operators.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $2,500,000 for each of fiscal years 1999 through 2001.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall remain available until expended.

(l) OHIO RIVER WELCOME CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to establish a welcome center in Point Pleasant, West Virginia.

(2) ACCESS.—The center shall be accessible by motor vehicle, bicycle, pedestrian walkway, and river transportation.

(3) FACILITIES.—The center shall include a comfort station, picnic and sitting plaza, a small amphitheater, a deep river port, a marina, and a walking trail.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $412,900 for fiscal year 1999, $1,362,500 for fiscal year 2000, and $699,500 for fiscal year 2001.

(5) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of activities carried out using the funds shall be 50 percent and the funds shall remain available until expended.

(m) PROJECT FLEXIBILITY FOR MINNESOTA.—Notwithstanding any other provision of law, funds allocated for a project in the State of Minnesota under section 117 of title 23, United States Code, may be obligated for any other project in the State for which funds are so allocated; except that the total amount of funds authorized for any project for which funds are so allocated shall not be reduced.

(n) BALTIMORE WASHINGTON PARKWAY.—Notwithstanding any other provision of law, the Federal share of the cost of a project for which funds are allocated under section 117 of title 23, United States Code, for renovation and construction of the Baltimore Washington Parkway in Prince Georges County, Maryland, shall be 100 percent.

(o) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

(A) to operate a national bicycle and pedestrian clearinghouse;

(B) to develop information and educational programs; and

(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $500,000 for each of fiscal years 1998 through 2003.

(E) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(p) HEAVY EQUIPMENT OPERATOR TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall establish a heavy equipment operator training facility in Hibbing, Minnesota. The purpose of the facility shall be to develop an appropriate curriculum for training, and to train operators and future operators of heavy equipment in the safe use of such equipment.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of establishment of the facility under this subsection shall be 80 percent and such funds shall remain available until expended.

(q) MOTOR CARRIER OPERATOR VEHICLE AND TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall make grants to the State of Pennsylvania to establish and operate an advanced tractor trailer safety and operator training facility in Chambersburg, Pennsylvania. The purpose of the facility shall be to develop and coordinate an advance curriculum for the training of operators and future operators of tractor trailers. The facility shall conduct training on the test track at Letterkenny Army Depot and the unused segment of the Pennsylvania Turnpike located in Bedford County, Pennsylvania. The facility shall be operated by a not-for-profit entity and, when Federal assistance is no longer being provided with respect to the facility, shall be privately operated.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as

if such funds were apportioned under chapter 1 of title 23, United States Code, except that such funds shall remain available until expended and the Federal share of the cost of establishment and operation of the facility under this subsection shall be 80 percent.

(r) HIGH PRIORITY LAS VEGAS INTERMODAL CENTER.—

(1) IN GENERAL.—The Secretary shall provide $2,000,000 for fiscal year 1999 and $2,500,000 for fiscal year 2000 for the High Priority Las Vegas Intermodal Center in Las Vegas, Nevada.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out 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.

(s) SEISMIC DESIGN.—

(1) IN GENERAL.—The Secretary shall provide—

(A) $8,000,000 for fiscal year 1999 for seismic design and engineering of the Mississippi/Arkansas Great River Bridge;

(B) $8,000,000 for fiscal year 1999 to the State of Missouri for seismic design and deployment; and

(C) $7,000,000 for fiscal year 1999 to the State of Arkansas for seismic design and deployment.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out 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.

(t) BILOXI HARBOR, MISSISSIPPI.—The portion of the project for navigation, Biloxi Harbor, Mississippi, authorized by the River and Harbor Act of 1960 (74 Stat. 481), for the Bernard Bayou Channel beginning near the Air Force Oil Terminal at approximately navigation mile 2.6 and extending downstream to the North-South ½ of Section 30, Township 7 South, Range 10 West, Harrison County, Mississippi, just west of Kremer Boat Yards, is not authorized after the date of enactment of this Act.

(u) CLARIFICATION.—Notwithstanding any other provision of law, the State of Pennsylvania is authorized to proceed with engineering, final design, and construction of Corridor O of the Appalachian development highway system between Bald Eagle and Interstate Route 80. All records of decision relating to Corridor O issued prior to the date of enactment of this Act shall remain in effect.

(v) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this Act shall be construed to prevent the operation of motorized vehicles to transport boats across the portages between the Moose Lake Chain and Basswood Lake, Minnesota, and between Vermilion Lake and Trout Lake, Minnesota.

(w) MISCELLANEOUS PROJECTS.—

(1) REPLACEMENT OF ROSLYN VIADUCT.—

(A) PROJECT.—The Secretary is authorized to carry out a project for replacement of a segment of the Roslyn elevated highway (NY25A) on Long Island, New York.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $51,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(2) DESIGN AND ENGINEERING FOR MILLER HIGHWAY.—

(A) PROJECT.—The Secretary is authorized to carry out a project for design and engineering of the Miller Highway on the west side of Manhattan, New York.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $15,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(3) WILLIAMSVILLE TOLL BARRIER.—

(A) PROJECT.—The Secretary is authorized to carry out a project to relocate a toll barrier complex to relieve traffic congestion in the Buffalo, New York, area.

(B) AUTHORIZATION.—There is authorized to be appropriated to carry out this paragraph $20,000,000 for fiscal years beginning after September 30, 1998. Such sums shall remain available until expended.

(x) ST. GEORGES, DELAWARE.—The Secretary of the Army shall transfer all right, title, and interest of the United States in the highway bridge on United States Route 13 in the vicinity of St. Georges, Delaware, to the State of Delaware if the transfer is necessary to facilitate retransfer to a private entity for the purpose of demonstrating the effectiveness and efficiency of the use of large-scale composites technology for bridge rehabilitation. In evaluating the level of service for all Federal crossings over the Chesapeake and Delaware Canal in Delaware, the total vehicle trips per day on this transferred bridge shall be attributed to the remaining Federal crossing at St. Georges, Delaware (the SR1 Bridge). If the transfer is completed within 180 days after the date of enactment of this Act, the Secretary shall provide $10,000,000 to the State for the State to use in rehabilitating the bridge.

(y) MOUNT PARAN INTERCHANGE PROJECT FOR INTERSTATE ROUTE 75.—Notwithstanding any other provision of law, none of the funds made available under this Act or title 23, United States Code, shall be used to carry out a project to construct or improve the Mount Paran interchange on Interstate Route 75 in Georgia unless the Atlanta Regional Commission approves the project after the date of enactment of this Act.

(z) NITTANY PARKWAY.—The Secretary shall designate 31 miles of Pennsylvania State Route 26 between Huntingdon, Pennsylvania, and State College, Pennsylvania, as the Nittany Parkway.

SEC. 1213. STUDIES AND REPORTS.

(a) HIGHWAY ECONOMIC REQUIREMENT SYSTEM.—

(1) METHODOLOGY.—

(A) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (in this subsection referred to as the ''model'').

(B) REQUIRED ELEMENT.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the evaluation.

(2) STATE INVESTMENT PLANS.—

(A) STUDY.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the model can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) REQUIRED ELEMENTS.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, before the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

(b) INTERNATIONAL ROUGHNESS INDEX.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) REQUIRED ELEMENTS.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

(c) USE OF UNIFORMED POLICE OFFICERS ON FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS.—

(1) STUDY.—In consultation with the States, State transportation departments, and law enforcement organizations, the Secretary shall conduct a study on the extent and effectiveness of use by States of uniformed police officers on Federal-aid highway construction projects.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study, including any legislative and administrative recommendations of the Secretary.

(d) SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE.—

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

(2) CONSULTATION.—In carrying out the assessment, the Secretary shall consult with—

(A) the Secretary of State;

(B) the Attorney General;

(C) the Secretary of the Treasury;

(D) the Commandant of the Coast Guard;

(E) the Administrator of General Services;

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

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

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

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

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

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

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

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

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

(4) 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 subsection, including any related legislative and administrative recommendations.

(e) STUDY OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess the impact that a utility company's failure to relocate its facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects. The study shall also assess the following:

(A) Methods States use to mitigate such delays, including the use of the courts to compel cooperation.

(B) The prevalence and use of incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites and, conversely, penalties assessed on utility companies for utility relocation delays on such projects.

(C) The extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-

aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations.

(D) Whether individual States compensate transportation contractors for business costs incurred by the contractors when Federal-aid highway and bridge projects under contract to them are delayed by utility-company-caused delays in utility relocations and any methods used by States in making any such compensation.

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

(f) SPECIALIZED HAULING VEHICLES.—

(1) STUDY.—The Secretary shall conduct a study to examine the impact of the truck weight standards on specialized hauling vehicles. The study shall include, at a minimum, an analysis of the economic, safety, and infrastructure impacts of the standards.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

(g) STUDY OF STATE PRACTICES ON SPECIFIC SERVICE SIGNING.—

(1) STUDY.—The Secretary shall conduct a study to determine the practices in the States for specific service food signs described in sections 2G–5.7 and 2G–5.8 of the Manual on Uniform Traffic Control Devices for Streets and Highways. The study shall examine, at a minimum—

(A) the practices of all States for determining businesses eligible for inclusion on such signs;

(B) whether States allow businesses to be removed from such signs and the circumstances for such removal;

(C) the practices of all States for erecting and maintaining such signs, including the time required for erecting such signs; and

(D) whether States contract out the erection and maintenance of such signs.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including any recommendations and, if appropriate modifications to the Manual.

(h) VEHICLE WEIGHT ENFORCEMENT.—

(1) STUDY.—The Secretary shall conduct a study of State laws (including regulations) relating to penalties for violation of State commercial motor vehicle weight laws.

(2) PURPOSE.—The purpose of the study shall be to determine the effectiveness of State penalties as a deterrent to illegally overweight trucking operations. The study shall evaluate fine structures, innovative roadside enforcement techniques, and a State's ability to penalize shippers and carriers as well as drivers and shall examine the effectiveness of administrative and judicial procedures utilized to enforce vehicle weight laws.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study with any legislative recommendations of the Secretary.

(i) COMMERCIAL MOTOR VEHICLE STUDY.—

(1) IN GENERAL.—The Secretary shall request the Transportation Research Board of the National Academy of Sciences to conduct a study regarding the regulation of weights, lengths, and widths of commercial motor vehicles operating on Federal-aid highways to which Federal regulations apply on the date of enactment of this Act. In conducting the study, the Board shall review law, regulations, studies (including Transportation Research Board Special Report 225), and practices and develop recommendations regarding any revisions to law and regulations that the Board determines appropriate.

(2) FACTORS TO CONSIDER AND EVALUATE.—In developing recommendations under paragraph (1), the Board shall consider and evaluate the impact of the recommendations described in paragraph (1) on the economy, the environment, safety, and service to communities.

(3) CONSULTATION.—In carrying out the study, the Board shall consult with the Department of Transportation, States, the motor carrier industry, freight shippers, highway safety groups, air quality and natural resource management groups, commercial motor vehicle driver representatives, and other appropriate entities.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Board shall transmit to Congress and the Secretary a report on the results of the study conducted under this subsection.

(5) RECOMMENDATIONS.—Not later than 180 days after the date of receipt of the report under paragraph (4), the Secretary may transmit to Congress a report containing comments or recommendations of the Secretary regarding the Board's report.

(6) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $250,000 for each of fiscal years 1999 and 2000 to carry out this subsection.

(7) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the study under this subsection shall be 100 percent and such funds shall remain available until expended.

(j) TRAFFIC ANALYSIS.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the State of Oklahoma to carry out a traffic analysis to determine the feasibility of a trade processing center in McClain County, Oklahoma.

(2) AUTHORIZATION.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,000,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out 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.

(k) STUDY OF INTERSTATE HIGH SPEED GROUND TRANSPORTATION.—

(1) STUDY.—The Secretary shall conduct a study to assess the feasibility of providing high speed rail passenger service from Atlanta,Georgia, to Charleston, South Carolina. The study shall also assess the potential impact of rail service on the tourism industry.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Environment and Public Works of the Senate a report on the results of the study, together with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 1214. FEDERAL ACTIVITIES.

(a) ACCESS TO JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—

(1) STUDY.—The Secretary, in cooperation with the District of Columbia, the John F. Kennedy Center for the Performing Arts, and the Department of the Interior and in consultation with other interested persons, shall conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

(2) REPORT.—Not later than September 30, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study with an assessment of the impacts (including environmental, aesthetic, economic, and historical impacts) associated with the implementation of each of the methods examined under the study.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $500,000 for fiscal year 1998.

(4) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities conducted using such funds shall be 100 percent and such funds shall remain available until expended.

(b) SMITHSONIAN INSTITUTION TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate amounts made available by this subsection for obligation at the discretion of the Secretary of the Smithsonian Institution, in consultation with the Secretary, to carry out projects and activities described in paragraph (2).

(2) ELIGIBLE USES.—Amounts allocated under paragraph (1) may be obligated only—

(A) for transportation-related exhibitions, exhibits, and educational outreach programs;

(B) to enhance the care and protection of the Nation's collection of transportation-related artifacts;

(C) to acquire historically significant transportation-related artifacts; and

(D) to support research programs within the Smithsonian Institution that document the history and evolution of transportation, in cooperation with other museums in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $1,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity under this subsection shall be 100 percent and such funds shall remain available until expended.

(c) NEW RIVER VISITOR CENTER.—

(1) IN GENERAL.—The Secretary shall allocate to the Secretary of the Interior amounts made available by this subsection for the planning, design, and construction of a visitor center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources of the New River Gorge National River in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the I–64 Sandstone intersection.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,300,000 for fiscal year 1998, $1,200,000 for fiscal year 1999, and $9,900,000 for fiscal year 2000.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

(d) 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) of title 23, United States Code.

(5) FUNDING.—

(A) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,500,000 for each of fiscal years 1998 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized by 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.

(e) NATIONAL DEFENSE HIGHWAYS OUTSIDE THE UNITED STATES.—

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

(2) FUNDING.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2002, the Secretary may set aside not to exceed $18,800,000 from amounts to be apportioned under section 104(b)(4) of title 23, United States Code, to carry out this section.

(B) AVAILABILITY.—Funds made available under subparagraph (1) shall remain available until expended.

(f) SACHUEST POINT NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide $200,000 for fiscal year 1999 to the United State Fish and Wildlife Service to resurface the entrance road to Sachuest Point National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $200,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by 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.

(g) RUNWAY REMOVAL AT NINIGRET NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide $300,000 for fiscal year 1999 to the United States Fish and Wildlife Service to remove asphalt runways at Ninigret National Wildlife Refuge and $500,000,000 shall be available to the State of Rhode Island for Improvements to the T.F. Green Intermodal Facility in Rhode Island for each of fiscal years 1999 through 2003.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,300,000 for fiscal year 1999 and $5,000,000 for each of fiscal years 2000 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by 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.

(h) MIDDLETOWN VISITOR CENTER.—

(1) IN GENERAL.—The Secretary shall provide $500,000 for fiscal year 1999 to the United States Fish and Wildlife Service for the Middletown visitor center at Sachuest Point National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $500,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by 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.

(i) ENTRANCE PAVING AT NINIGRET NATIONAL WILDLIFE REFUGE.—

(1) IN GENERAL.—The Secretary shall provide $750,000 for fiscal year 1999 to the United States Fish and Wildlife Service to pave the entrance road to the Ninigret National Wildlife Refuge.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $750,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by 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.

(j) EDUCATION CENTER.—

(1) IN GENERAL.—The Secretary shall provide $1,000,000 for each of fiscal years 1999 through 2003 to the United States Fish and Wildlife Service for the education visitor center at the Rhode Island National Wildlife Refuge complex.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,000,000 for each of fiscal years 1999 through 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by 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.

(k) RICHMOND NATIONAL BATTLEFIELD PARK.—

(1) IN GENERAL.—The Secretary shall provide $1,000,000 for fiscal year 1999 to the National Park Service to revitalize the Tredegar Iron Works to serve as a visitor center for Richmond National Battlefield Park.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,000,000 for fiscal year 1999.

(3) CONTRACT AUTHORITY.—Funds authorized by 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.

(l) ACCESS TO CORPS OF ENGINEERS.—

(1) IN GENERAL.—The Secretary shall provide $800,000 for each of fiscal years 1999 through 2003 to the Corps of Engineers to be made available to the State of Missouri for resurfacing and maintenance of city and county roads that provide access to Corps of Engineers reservoirs.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $800,000 for each of fiscal years 1999 2003.

(3) CONTRACT AUTHORITY.—Funds authorized by 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.

(m) CIVIL WAR BATTLEFIELD PLAN.—

(1) IN GENERAL.—The Secretary shall provide $250,000 for each of fiscal years 1999 and 2000 to the Department of the Interior to be made available to the Shenandoah Valley Battlefield National Historic District Commission for developing a plan for the interpretation and protection of 10 Civil War battlefields in the Shenandoah Valley.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $250,000 for each of fiscal years 1999 and 2000.

(3) CONTRACT AUTHORITY.—Funds authorized by 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.

(n) DOT HEADQUARTERS FACILITY.—Before taking any action that leads to Government ownership of the Department of Transportation headquarters facility, through construction or purchase, the Administrator of General Services shall first seek approval of the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(o) FORT PECK, MONTANA.—

(1) FORT PECK, MONTANA, VISITORS CENTER.—The Secretary shall provide funds for the environmental review, planning, design, and construction of a historical and cultural visitors center and museum at Fort Peck, Montana.

(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $3,000,000 for each of fiscal years 1999 and 2000.

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall remain available until expended.

(p) BRIDGES ON NATCHEZ TRACE PARKWAY, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall allocate to the State of Mississippi amounts available by this subsection to be used for replacement and widening of the box bridges on the Natchez Trace Parkway at Old Canton Road and at Rice Road in Madison County, Mississippi.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by 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 funds shall remain available until expended.

(q) LOLO PASS VISITOR CENTER.—

(1) GRANTS.—The Secretary shall make grants for the Lolo Pass Visitor Center in the State of Idaho.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $2,943,000 for fiscal year 1999.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by 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 funds shall remain available until expended.

(r) PUERTO RICO HIGHWAY PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate funds authorized by section 1101(a)(15) for each of fiscal years 1998 through 2003 to the Commonwealth of Puerto Rico to carry out a highway program in such Commonwealth.

(2) APPLICABILITY OF TITLE 23.—Amounts made available by section 1101(a)(15) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code. Such amounts shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.

SEC. 1215. DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES.

(a) GETTYSBURG, PENNSYLVANIA.—

(1) RESTORATION OF TRAIN STATION.—The Secretary shall allocate amounts made available by this subsection for the restoration of the Gettysburg, Pennsylvania, train station.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $400,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of restoration of the train station under this subsection shall be 80 percent and such funds shall remain available until expended.

(b) CENTER.—

(1) ESTABLISHMENT.—The Secretary shall allocate funds made available to carry out this subsection to establish a center for national scenic byways in Duluth, Minnesota, to provide technical communications and network support for nationally designated scenic byway routes in accordance with paragraph (2).

(2) COMMUNICATIONS SYSTEMS.—The center for national scenic byways shall develop and implement communications systems for the support of the national scenic byways program. Such communications systems shall provide local officials and planning groups associated with designated National Scenic Byways or All-American Roads with proactive, technical, and customized assistance through the latest technology that allows scenic byway officials to develop and sustain their National Scenic Byways or All-American Roads.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,500,000 for each of fiscal years 1998 through 2003.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection shall be 100 percent and such funds shall remain available until expended.

(c) COAL HERITAGE TRAIL.—

(1) IN GENERAL.—The Secretary shall make grants to the State of West Virginia for the Coal Heritage Scenic Byway for the purposes set forth in section 204(h) of title 23, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $2,000,000 for each of fiscal years 1999 through 2001.

(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

(d) TRAFFIC CALMING MEASURES.—

(1) IN GENERAL.—The Secretary shall provide $5,000,000 for fiscal year 1999 and $2,000,000 for each of fiscal years 2000 through 2003 to implement traffic calming measures in Fauquier and Loudoun Counties, Virginia.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out 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.

(e) PEDESTRIAN BRIDGE.—

(1) IN GENERAL.—The Secretary shall provide $1,000,000 for fiscal year 1999 for a pedestrian bridge over United States Route 29 at Emmet Street in Charlottesville, Virginia.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out 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.

(f) INTERPRETIVE CENTER.—

(1) IN GENERAL.—The Secretary shall provide $600,000 for fiscal year 1999 for construction of the Virginia Blue Ridge Parkway interpretive center located on the Roanoke River Gorge in Virginia.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out 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.

(g) CHAIN OF ROCKS BRIDGE.—

(1) IN GENERAL.—The Secretary shall provide $2,000,000 for fiscal year 1999 for the renovation and preservation of the Missouri Route 66 Chain of Rocks Bridge.

(2) APPLICABILITY OF TITLE 23.—Funds made available to carry out 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.

(h) NOISE BARRIERS, DEKALB COUNTY, GEORGIA.—Notwithstanding any other provision of law, the Secretary shall approve the construction of Type II noise barriers beginning on the west side of Interstate Route 285 extending from Northlake Parkway to Henderson Mill Road in Dekalb County, Georgia, from funds apportioned under sections 104(b)(1) and 104(b)(3) of title 23, United States Code.

SEC. 1216. INNOVATIVE SURFACE TRANSPORTATION FINANCING METHODS.

(a) VALUE PRICING PILOT PROGRAM.—

(1) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(A) in the subsection heading by striking ''CONGESTION'' and inserting ''VALUE'';

(B) in paragraph (1)—

(i) by striking ''congestion'' each place it appears and inserting ''value''; and

(ii) by striking ''projects'' each place it appears and inserting ''programs''; and

(C) in paragraph (5)—

(i) by striking ''projects'' and inserting ''programs''; and

(ii) by striking ''traffic, volume'' and inserting ''traffic volume''.

(2) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of such Act is amended in the second sentence by striking ''5'' and inserting ''15''.

(3) ELIGIBILITY OF PREIMPLEMENTATION COSTS.— Section 1012(b)(2) of such Act is amended in the second sentence—

(A) by inserting after ''Secretary shall fund'' the following: ''all preimplementation costs and project design, and''; and

(B) by inserting after ''Secretary may not fund'' the following: ''the preimplementation or implementation costs of''.

(4) TOLLING.—Section 1012(b)(4) of such Act is amended by striking ''a pilot program under this section, but not on more than 3 of such programs'' and inserting ''any value pricing pilot program under this subsection''.

(5) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of such Act is amended by striking paragraph (6) and inserting the following:

''(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.''.

(6) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Section 1012(b) of such Act is amended by adding at the end the following:

''(7) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Any value pricing pilot program under this subsection shall include, if appropriate, an analysis of the potential effects of the pilot program on low income drivers and may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.''.

(7) FUNDING.—Section 1012(b) of such Act (as amended by paragraph (6)) is amended by adding at the end the following:

''(8) FUNDING.—

''(A) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

''(B) AVAILABILITY.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

''(C) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection for fiscal year 1998 and fiscal years thereafter but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

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

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

''(iii) shall be available for any purpose eligible for funding under section 133 of such title.

''(D) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.''.

(b) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating Interstate highway corridors that could not otherwise be adequately maintained or functionally improved without the collection of tolls.

(2) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this subsection on 3 facilities on the Interstate System. Each of such facilities shall be located in a different State.

(3) ELIGIBILITY.—To be eligible to participate in the pilot program, a State shall submit to the

Secretary an application that contains, at a minimum, the following:

(A) An identification of the facility on the Interstate System proposed to be a toll facility, including the age, condition, and intensity of use of the facility.

(B) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization established under section 134 of title 23, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(C) An analysis demonstrating that the facility could not be maintained or improved to meet current or future needs from the State's apportionments and allocations made available by this Act (including amendments made by this Act) and from revenues for highways from any other source without toll revenues.

(D) A facility management plan that includes—

(i) a plan for implementing the imposition of tolls on the facility;

(ii) a schedule and finance plan for the reconstruction or rehabilitation of the facility using toll revenues;

(iii) a description of the public transportation agency that will be responsible for implementation and administration of the pilot program;

(iv) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the facility, while retaining legal and administrative control of the portion of the Interstate route; and

(v) such other information as the Secretary may require.

(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under paragraph (3) only if the Secretary determines that—

(A) the State is unable to reconstruct or rehabilitate the proposed toll facility using existing apportionments;

(B) the facility has a sufficient intensity of use, age, or condition to warrant the collection of tolls;

(C) the State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers;

(D) the State plan for reconstruction or rehabilitation of the facility using toll revenues is reasonable; and

(E) the State has given preference to the use of a public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(5) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(A) all toll revenues received from operation of the toll facility will be used only for—

(i) debt service;

(ii) reasonable return on investment of any private person financing the project; and

(iii) any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(B) regular audits will be conducted to ensure compliance with subparagraph (A) and the results of such audits will be transmitted to the Secretary.

(6) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(4) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(7) PROGRAM TERM.—The Secretary shall conduct the pilot program under this subsection for a term to be determined by the Secretary, but not less than 10 years.

(8) INTERSTATE SYSTEM DEFINED.—In this subsection, the term ''Interstate System'' has the meaning such term has under section 101 of title 23, United States Code.

SEC. 1217. ELIGIBILITY.

(a) SAN MATEO COUNTY, CALIFORNIA.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

(b) AMBASSADOR BRIDGE ACCESS, DETROIT, MICHIGAN.—

(1) IN GENERAL.—Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to access roads and construction of access roads, approaches, and related facilities (such as signs, lights, and signals) necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System shall be eligible for funds apportioned under paragraphs (1) and (3) of section 104(b) of such title.

(2) USE OF FUNDS.—Funds described in paragraph (1) shall not be used for any improvement to, or construction of, the bridge itself.

(c) CUYAHOGA RIVER BRIDGE, OHIO.—Notwithstanding 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)(3) of such title.

(d) CONNECTICUT.—In fiscal year 1998, the State of Connecticut may transfer any funds remaining available for obligation under section 104(b)(4) of title 23, United States Code, as in effect on the day before the date of the enactment of this Act, for construction of the Interstate System to any other program eligible for assistance under chapter 1 of such title. Before making any distribution of the obligation limitation under section 1102(c)(6) of this Act, the Secretary shall make available to the State of Connecticut sufficient obligation authority under section 1102(c) of this Act to obligate funds available for transfer under this subsection.

(e) INTERNATIONAL BRIDGE, SAULT STE. MARIE, MICHIGAN.—The International Bridge Authority, or its successor organization, shall be permitted to continue collecting tolls for maintenance of, operation of, capital improvements to, and future expansions to the International Bridge, Sault Ste. Marie, Michigan, and its approaches, plaza areas, and associated structures.

(f) INFORMATION SERVICES.—A food business that would otherwise be eligible to display a mainline business logo on a specific service 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 under the requirements specified in that section, but for the fact that the business is open 6 days a week, cannot be prohibited from inclusion on such a food sign.

(g) CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.—

(1) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in paragraph (2), 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.

(2) AGREEMENTS.—The agreements referred to in paragraph (1) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in paragraph (1).

(h) WELCOME CENTER PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall permit the State of Georgia to conduct a pilot project to acquire, construct, operate, and maintain a demonstration safety rest area and information center along Interstate Route 75 in Cobb County, Georgia, in accordance with paragraph (2).

(2) INFORMATION CENTER AND SYSTEM.—The center may provide goods and information that is of interest to the traveling public, including commercial advertising and media displays, if such advertising and displays are—

(A) exhibited solely within any facility constructed in the rest area; and

(B) not legible from the main traveled way.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the pilot project.

(i) SOUTHERN CALIFORNIA.—Notwithstanding section 120(l)(1) of title 23, United States Code—

(1) private entity expenditures to construct the SR–91 toll road located in Orange County, California, from SR–55 to the Riverside County line may be credited toward the State matching share for any Federal-aid project beginning construction after the SR–91 toll road was opened to traffic; and

(2) private expenditures for the future SR–125 toll road in San Diego County, California, from SR–905 to San Miguel Road may be credited against the State match share for Federal-aid highway projects beginning after SR–125 is opened to traffic.

(j) TOLLS ON PENNSYLVANIA TURNPIKE.—Notwithstanding any other provision of law, no tolls shall be collected during the 6-year period beginning on the date of enactment of this Act on the Pennsylvania Turnpike for travel either entering Bedford and exiting Breezewood, Pennsylvania, or entering Breezewood and exiting Bedford.

(k) VICKSBURG AND JACKSON, MISSISSIPPI.—Notwithstanding any other provision of this Act, funds authorized by this Act (including amendments made by this Act) for transportation projects in the State of Mississippi may be used for the purpose of constructing, reconstructing, or rehabilitating rail lines in the vicinity of Vicksburg and Jackson, Mississippi.

SEC. 1218. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

''§ 322. Magnetic levitation transportation technology deployment program

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs'—

''(A) means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station; and

''(B) includes the costs of preconstruction planning activities.

''(2) FULL PROJECT COSTS.—The term 'full project costs' means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

''(3) MAGLEV.—The term 'MAGLEV' means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour or under 50 miles per hour.

''(4) PARTNERSHIP POTENTIAL.—The term 'partnership potential' has the meaning given the term in the commercial feasibility study of high-speed ground transportation conducted

under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1978).

''(b) FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall make available financial assistance to pay the Federal share of full project costs of eligible projects selected under this section. Financial assistance made available under this section and projects assisted with the assistance shall be subject to section 5333(a) of title 49, United States Code.

''(2) FEDERAL SHARE.—The Federal share of full project costs under paragraph (1) shall be not more than ⅔.

''(3) USE OF ASSISTANCE.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

''(c) SOLICITATION OF APPLICATIONS FOR ASSISTANCE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

''(d) PROJECT ELIGIBILITY.—To be eligible to receive financial assistance under subsection (b), a project shall—

''(1) involve a segment or segments of a high-speed or low-speed ground transportation corridor that exhibit partnership potential;

''(2) require an amount of Federal funds for project financing that will not exceed the sum of—

''(A) the amounts made available under subsection (h)(1)(A); and

''(B) the amounts made available by States under subsection (h)(4);

''(3) result in an operating transportation facility that provides a revenue producing service;

''(4) be undertaken through a public and private partnership, with at least ⅓ of full project costs paid using non-Federal funds;

''(5) satisfy applicable statewide and metropolitan planning requirements;

''(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

''(7) to the extent that non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

''(8) be carried out using materials at least 70 percent of which are manufactured in the United States.

''(e) PROJECT SELECTION CRITERIA.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

''(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

''(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

''(3) States, regions, and localities financially contribute to the project;

''(4) implementation of the project will create new jobs in traditional and emerging industries;

''(5) the project will augment MAGLEV networks identified as having partnership potential;

''(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

''(7) financial assistance would foster the timely implementation of a project; and

''(8) life-cycle costs in design and engineering are considered and enhanced.

''(f) PROJECT SELECTION.—

''(1) PRECONSTRUCTION PLANNING ACTIVITIES.—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 preconstruction planning activities, including—

''(A) preparation of such feasibility studies, major investment studies, and environmental impact statements and assessments as are required under State law;

''(B) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

''(C) 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).

''(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of preconstruction 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.

''(g) JOINT VENTURES.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

''(h) FUNDING.—

''(1) IN GENERAL.—

''(A) CONTRACT AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for fiscal year 1999, $20,000,000 for fiscal year 2000, and $25,000,000 for fiscal year 2001.

''(ii) CONTRACT AUTHORITY.—Funds authorized by 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) NONCONTRACT AUTHORITY AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $200,000,000 for each of fiscal years 2000 and 2001, $250,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.

''(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

''(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.

''(3) OTHER FEDERAL FUNDS.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

''(4) OTHER ASSISTANCE.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title and the Transportation Equity Act for the 21st Century, including loans, loan guarantees, and lines of credit.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

''322. Magnetic levitation transportation technology deployment program.''.

SEC. 1219. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code is amended by adding at the end the following:

''§ 162. National scenic byways program

''(a) DESIGNATION OF ROADS.—

''(1) IN GENERAL.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating the roads as National Scenic Byways or All-American Roads.

''(2) CRITERIA.—The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

''(3) NOMINATION.—To be considered for the designation, a road must be nominated by a State or a Federal land management agency and must first be designated as a State scenic byway or, in the case of a road on Federal land, as a Federal land management agency byway.

''(b) GRANTS AND TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall make grants and provide technical assistance to States to—

''(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

''(B) plan, design, and develop a State scenic byway program.

''(2) PRIORITIES.—In making grants, the Secretary shall give priority to—

''(A) each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

''(B) each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

''(C) each eligible project that is associated with the development of a State scenic byway program.

''(c) ELIGIBLE PROJECTS.—The following are projects that are eligible for Federal assistance under this section:

''(1) An activity related to the planning, design, or development of a State scenic byway program.

''(2) Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

''(3) Safety improvements to a State scenic byway, National Scenic Byway, or All-American Road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, National Scenic Byway, or All-American Road.

''(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facility.

''(5) An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

''(6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.

''(7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

''(8) Development and implementation of a scenic byway marketing program.

''(d) LIMITATION.—The Secretary shall not make a grant under this section for any project that would not protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

''(e) SAVINGS CLAUSE.—The Secretary shall not withhold any grant or impose any requirement on a State as a condition of providing a grant or technical assistance for any scenic byway unless the requirement is consistent with the authority provided in this chapter.

''(f) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byway project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end the following:

''162. National scenic byways program.''.

SEC. 1220. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES.

(a) IN GENERAL.—

(1) ELIMINATION.—The Secretary shall eliminate any programmatic decisionmaking responsibility of the regional offices of the Federal Highway Administration for the Federal-aid highway program as part of the Administration's efforts to restructure its field organization.

(2) ACTIVITIES.—In carrying out paragraph (1), the Secretary shall eliminate regional offices, create technical resource centers, and, to the maximum extent practicable, delegate authority to State offices of the Federal Highway Administration.

(b) PREFERENCE.—In locating the technical resource centers, the Secretary shall give preference to cities that house, on the date of enactment of this Act, the Federal Highway Administration regional offices and are in locations that minimize the travel distance between the technical resource centers and the Federal Highway Administration division offices that will be served by the new technical resource centers.

(c) REPORT TO CONGRESS.—The Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed implementation plan to carry out this section not later than September 30, 1998, and thereafter provide periodic progress reports on carrying out this section to such Committees.

(d) IMPLEMENTATION.—The Secretary shall begin implementation of the plan transmitted under subsection (c) not later than December 31, 1998.

SEC. 1221. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.

(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a comprehensive initiative to investigate and address the relationships between transportation and community and system preservation and identify private sector-based initiatives.

(b) RESEARCH.—

(1) IN GENERAL.—In cooperation with appropriate Federal agencies, State, regional, and local governments, and other entities eligible for assistance under subsection (d), the Secretary shall carry out a comprehensive research program to investigate the relationships between transportation, community preservation, and the environment and the role of the private sector in shaping such relationships.

(2) REQUIRED ELEMENTS.—The program shall provide for monitoring and analysis of projects carried out with funds made available to carry out subsections (c) and (d).

(c) PLANNING.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to plan, develop, and implement strategies to integrate transportation and community and system preservation plans and practices.

(2) PURPOSES.—The purposes of the allocations shall be—

(A) to improve the efficiency of the transportation system;

(B) to reduce the impacts of transportation on the environment;

(C) to reduce the need for costly future investments in public infrastructure;

(D) to provide efficient access to jobs, services, and centers of trade; and

(E) to examine development patterns and identify strategies to encourage private sector development patterns which achieve the goals identified in subparagraphs (A) through (D).

(3) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) propose projects for funding that address the purposes described in paragraph (2); and

(B) demonstrate a commitment of non-Federal resources to the proposed projects.

(4) ADDITIONAL CRITERIA.—In addition, the Secretary shall give consideration to applicants that demonstrate a commitment to public and private involvement, including involvement of nontraditional partners in the project team.

(d) ALLOCATION OF FUNDS FOR IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to carry out projects to address transportation efficiency and community and system preservation.

(2) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) have instituted preservation or development plans and programs that—

(i) meet the requirements of title 23 and chapter 53 of title 49, United States Code; and

(ii)(I) are coordinated with State and local adopted preservation or development plans;

(II) are intended to promote cost-effective and strategic investments in transportation infrastructure that minimize adverse impacts on the environment; or

(III) are intended to promote innovative private sector strategies.

(B) have instituted other policies to integrate transportation and community and system preservation practices, such as—

(i) spending policies that direct funds to high-growth areas;

(ii) urban growth boundaries to guide metropolitan expansion;

(iii) ''green corridors'' programs that provide access to major highway corridors for areas targeted for efficient and compact development; or

(iv) other similar programs or policies as determined by the Secretary;

(C) have preservation or development policies that include a mechanism for reducing potential impacts of transportation activities on the environment;

(D) examine ways to encourage private sector investments that address the purposes of this section; and

(E) propose projects for funding that address the purposes described in subsection (c)(2).

(3) EQUITABLE DISTRIBUTION.—In allocating funds to carry out this subsection, the Secretary shall ensure the equitable distribution of funds to a diversity of populations and geographic regions.

(4) USE OF ALLOCATED FUNDS.—

(A) IN GENERAL.—An allocation of funds made available to carry out this subsection shall be used by the recipient to implement the projects proposed in the application to the Secretary.

(B) TYPES OF PROJECTS.—The allocation of funds shall be available for obligation for—

(i) any project eligible for funding under title 23 or chapter 53 of title 49, United States Code; or

(ii) any other activity relating to transportation and community and system preservation that the Secretary determines to be appropriate, including corridor preservation activities that are necessary to implement—

(I) transit-oriented development plans;

(II) traffic calming measures; or

(III) other coordinated transportation and community and system preservation practices.

(e) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $20,000,000 for fiscal year 1999 and $25,000,000 for each of fiscal years 2000 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 of title 23, United States Code.

SEC. 1222. ADDITIONS TO APPALACHIAN REGION.

(a) IN GENERAL.—Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the undesignated paragraph relating to Alabama—

(A) by inserting ''Hale,'' after ''Franklin,''; and

(B) by inserting ''Macon,'' after ''Limestone,'';

(2) in the undesignated paragraph relating to Georgia—

(A) by inserting ''Elbert,'' after ''Douglas,''; and

(B) by inserting ''Hart,'' after ''Haralson,'';

(3) in the undesignated paragraph relating to Mississippi by striking ''and Winston'' and inserting ''Winston, and Yalobusha''; and

(4) in the undesignated paragraph relating to Virginia—

(A) by inserting ''Montgomery,'' after ''Lee,''; and

(B) by inserting ''Rockbridge,'' after ''Pulaski,''.

(b) TECHNICAL AMENDMENT.—Section 405 of such Act is amended by striking ''section 201'' and inserting ''sections 201 and 403''. This amendment ensures that section 403 is still in effect.

SEC. 1223. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

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

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out sections 118(c) and 144(g)(1) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event, if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event or a Special Olympics International event; and

(2) the project is otherwise eligible for assistance under sections 118(c) and 144(g)(1) of such title.

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

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

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

(d) FUNDING.—Notwithstanding section 5001(a), from funds made available under such section, the Secretary may provide assistance for the development of an Olympic, a Paralympic, and a Special Olympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event or a Special Olympics International event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC, PARALYMPIC, AND SPECIAL OLYMPIC EVENTS.—

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

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

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

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

Subtitle C—Program Streamlining and Flexibility

SEC. 1301. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION.

(a) ADVANCE ACQUISITION OF REAL PROPERTY.—Section 108 of title 23, United States Code, is amended by striking the section heading and subsection (a) and inserting the following:

"§ 108. Advance acquisition of real property

''(a) IN GENERAL.—

''(1) AVAILABILITY OF FUNDS.—For the purpose of facilitating the timely and economical acquisition of real property for a transportation improvement eligible for funding under this title, the Secretary, upon the request of a State, may make available, for the acquisition of real property, such funds apportioned to the State as may be expended on the transportation improvement, under such rules and regulations as the Secretary may issue.

''(2) CONSTRUCTION.—The agreement between the Secretary and the State for the reimbursement of the cost of the real property shall provide for the actual construction of the transportation improvement within a period not to exceed 20 years following the fiscal year for which the request is made, unless the Secretary determines that a longer period is reasonable.''.

(b) CREDIT FOR ACQUIRED LANDS.—Section 323(b) of such title is amended—

(1) in the subsection heading, by striking ''DONATED'' and inserting ''ACQUIRED'';

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

''(1) IN GENERAL.—Notwithstanding any other provision of this title, the State share of the cost of a project with respect to which Federal assistance is provided from the Highway Trust Fund (other than the Mass Transit Account) may be credited in an amount equal to the fair market value of any land that—

''(A) is lawfully obtained by the State or a unit of local government in the State;

''(B) is incorporated into the project;

''(C) is not land described in section 138; and

''(D) the Secretary determines will not influence the environmental assessment of the project, including—

''(i) the decision as to the need to construct the project;

''(ii) the consideration of alternatives; and

''(iii) the selection of a specific location.

''(2) ESTABLISHMENT OF FAIR MARKET VALUE.—The fair market value of land incorporated into a project and credited under paragraph (1) shall be established in the manner determined by the Secretary, except that—

''(A) the fair market value shall not include any increase or decrease in the value of donated property caused by the project; and

''(B) the fair market value of donated land shall be established as of the earlier of—

''(i) the date on which the donation becomes effective; or

''(ii) the date on which equitable title to the land vests in the State.'';

(3) in paragraph (3) by striking ''agency of a Federal, State, or local government'' and inserting ''agency of the Federal Government''; and

(4) in paragraph (4) by striking ''to which the donation is applied''.

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of such title 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, or material 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, or material.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of such title is amended by striking the section heading and inserting the following:

"§ 323. Donations and credits".

(2) The analysis for chapter 1 of such title is amended by striking the item relating to section 108 and inserting the following:

''108. Advance acquisition of real property.''.

(3) The analysis for chapter 3 of such title is amended by striking the item relating to section 323 and inserting the following:

''323. Donations and credits.''.

SEC. 1302. PAYMENTS TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—The Secretary, from time to time as the work progresses, may make payments to a State for costs of construction incurred by the State on a project. Such payments may also be made for the value of the materials—

''(1) that have been stockpiled in the vicinity of the construction in conformity to plans and specifications for the projects; and

''(2) that are not in the vicinity of the construction if the Secretary determines that because of required fabrication at an off-site location the material cannot be stockpiled in such vicinity.

''(b) PROJECT AGREEMENT.—No payment shall be made under this chapter except for a project covered by a project agreement. After completion of the project in accordance with the project agreement, a State shall be entitled to payment out of the appropriate sums apportioned or allocated to the State of the unpaid balance of the Federal share payable for such project.'';

(2) by striking subsections (c) and (d); and

(3) by redesignating subsection (e) as subsection (c).

SEC. 1303. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY.

(a) IN GENERAL.—Section 156 of title 23, United States Code, is amended to read as follows:

"§ 156. Proceeds from the sale or lease of real property

''(a) MINIMUM CHARGE.—Subject to section 142(f), a State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal (other than for utility use and occupancy or for a transportation project eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

''(b) EXCEPTIONS.—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

''(c) USE OF FEDERAL SHARE OF INCOME.—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 156 and inserting the following:

''156. Proceeds from the sale or lease of real property.''.

SEC. 1304. ENGINEERING COST REIMBURSEMENT.

Section 102(b) of title 23, United States Code, is amended in the first sentence by inserting after ''10 years'' the following: ''(or such longer period as the State requests and the Secretary determines to be reasonable)''.

SEC. 1305. PROJECT APPROVAL AND OVERSIGHT.

(a) IN GENERAL.—Section 106 of title 23, United States Code, is amended—

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

"§ 106. Project approval and oversight";

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by striking subsections (a) through (d) and inserting the following:

''(a) IN GENERAL.—

''(1) SUBMISSION OF PLANS, SPECIFICATIONS, AND ESTIMATES.—Except as otherwise provided in this section, each State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require.

''(2) PROJECT AGREEMENT.—The Secretary shall act on the plans, specifications, and estimates as soon as practicable after the date of their submission and shall enter into a formal project agreement with the State transportation department formalizing the conditions of the project approval.

''(3) CONTRACTUAL OBLIGATION.—The execution of the project agreement shall be deemed a contractual obligation of the Federal Government for the payment of the Federal share of the cost of the project.

''(4) GUIDANCE.—In taking action under this subsection, the Secretary shall be guided by section 109.

''(b) PROJECT AGREEMENT.—

''(1) PROVISION OF STATE FUNDS.—The project agreement shall make provision for State funds required to pay the State's non-Federal share of the cost of construction of the project and to pay for maintenance of the project after completion of construction.

''(2) REPRESENTATIONS OF STATE.—If a part of the project is to be constructed at the expense of, or in cooperation with, political subdivisions of the State, the Secretary may rely on representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials for ensuring that the non-Federal contribution will be provided under paragraph (1).

''(c) ASSUMPTION BY STATES OF RESPONSIBILITIES OF THE SECRETARY.—

''(1) NON-INTERSTATE NHS PROJECTS.—For projects under this title that are on the National Highway System but not on the Interstate System, the State may assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspections of projects unless the State or the Secretary determines that such assumption is not appropriate.

''(2) NON-NHS PROJECTS.—For projects under this title that are not on the National Highway System, the State shall assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspection of projects, unless the State determines that such assumption is not appropriate.

''(3) AGREEMENT.—The Secretary and the State shall enter into an agreement relating to the extent to which the State assumes the responsibilities of the Secretary under this subsection.

''(4) LIMITATION ON AUTHORITY OF SECRETARY.—The Secretary may not assume any greater responsibility than the Secretary is permitted under this title on September 30, 1997, except upon agreement by the Secretary and the State.

''(d) RESPONSIBILITIES OF THE SECRETARY.—Nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under—

''(1) section 113 or 114; or

''(2) any Federal law other than this title (including section 5333 of title 49).

''(e) VALUE ENGINEERING ANALYSIS.—For such projects as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering analysis or other cost reduction analysis.''.

(b) FINANCIAL PLAN.—Section 106 of such title (as amended by subsection (a)(2)), is amended by adding at the end the following:

''(h) FINANCIAL PLAN.—A recipient of Federal financial assistance for a project under this title with an estimated total cost of $1,000,000,000 or more shall submit to the Secretary an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.''.

(c) LIFE CYCLE COST ANALYSIS.—Section 106 of such title (as amended by subsection (a)(2)), is amended by striking subsection (f) and inserting the following:

''(f) LIFE-CYCLE COST ANALYSIS.—

''(1) USE OF LIFE-CYCLE COST ANALYSIS.—The Secretary shall develop recommendations for the States to conduct life-cycle cost analyses. The recommendations shall be based on the principles contained in section 2 of Executive Order No. 12893 and shall be developed in consultation with the American Association of State Highway and Transportation Officials. The Secretary shall not require a State to conduct a life-cycle cost analysis for any project as a result of the recommendations required under this subsection.

''(2) LIFE-CYCLE COST ANALYSIS DEFINED.—In this subsection, the term 'life-cycle cost analysis' means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, user costs, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.''.

(d) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 106 and inserting the following:

''106. Project approval and oversight.''.

SEC. 1306. STANDARDS.

(a) ELIMINATION OF GUIDELINES AND ANNUAL CERTIFICATION REQUIREMENTS.—Section 109 of title 23, United States Code, is amended—

(1) by striking subsection (m); and

(2) by redesignating subsections (n) through (q) as subsections (m) through (p), respectively.

(b) SAFETY STANDARDS.—Section 109 of such title (as amended by subsection (a)), is amended by adding at the end the following:

''(q) PHASE CONSTRUCTION.—Safety considerations for a project under this title may be met by phase construction consistent with the operative safety management system established in accordance with section 303 or in accordance with a statewide transportation improvement program approved by the Secretary.''.

SEC. 1307. DESIGN-BUILD CONTRACTING.

(a) AUTHORITY.—Section 112(b) of title 23, United States Code, is amended—

(1) in the first sentence of paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) in paragraph (2)(A) by striking ''Each'' and inserting ''Subject to paragraph (3), each''; and

(3) by adding at the end the following:

''(3) DESIGN-BUILD CONTRACTING.—

''(A) IN GENERAL.—A State transportation department or local transportation agency may award a design-build contract for a qualified project described in subparagraph (C) using any procurement process permitted by applicable State and local law.

''(B) LIMITATION ON FINAL DESIGN.—Final design under a design-build contract referred to in subparagraph (A) shall not commence before compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter for which—

''(i) the Secretary has approved the use of design-build contracting described in subparagraph (A) under criteria specified in regulations issued by the Secretary; and

''(ii) the total costs are estimated to exceed—

''(I) in the case of a project that involves installation of an intelligent transportation system, $5,000,000; and

''(II) in the case of any other project, $50,000,000.

''(D) DESIGN-BUILD CONTRACT DEFINED.—In this paragraph, the term 'design-build contract' means an agreement that provides for design and construction of a project by a contractor, regardless of whether the agreement is in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the Secretary.''.

(b) INAPPLICABILITY OF STANDARDIZED CONTRACT CLAUSE REQUIREMENT.—Section 112(e)(2) of such title is amended—

(1) by striking ''Paragraph'' and inserting the following:

''(A) STATE LAW.—Paragraph'';

(2) by adding at the end the following:

''(B) DESIGN-BUILD CONTRACTS.—Paragraph (1) shall not apply to any design-build contract approved under subsection (b)(3).''; and

(3) by aligning the remainder of the text of subparagraph (A) (as designated by paragraph (1) of this subsection) with subparagraph (B) of such section (as added by paragraph (2) of this subsection).

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than the effective date specified in subsection (e), after consultation with the American Association of State Highway and Transportation Officials and representatives from affected industries, the Secretary shall issue regulations to carry out the amendments made by this section.

(2) CONTENTS.—The regulations shall—

(A) identify the criteria to be used by the Secretary in approving the use by a State transportation department or local transportation agency of design-build contracting; and

(B) establish the procedures to be followed by a State transportation department or local transportation agency for obtaining the Secretary's approval of the use of design-build contracting by the department or agency.

(d) EFFECT ON EXPERIMENTAL PROGRAM.—Nothing in this section or the amendments made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning design-build contracting that is being carried out by the Secretary as of the date of enactment of this Act.

(e) EFFECTIVE DATE FOR AMENDMENTS.—

(1) IN GENERAL.—The amendments made by this section take effect 3 years after the date of enactment of this Act.

(2) TRANSITION PROVISION.—

(A) IN GENERAL.—During the period before issuance of the regulations under subsection (c), the Secretary may approve, in accordance with an experimental program described in subsection (d), design-build contracts to be awarded using any process permitted by applicable State and local law; except that final design under any such contract shall not commence before compliance with section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(B) PREVIOUSLY AWARDED CONTRACTS.—The Secretary may approve design-build contracts awarded before the date of enactment of this Act.

(C) DESIGN-BUILD CONTRACT DEFINED.—In this paragraph, the term ''design-build contract'' means an agreement that provides for design and construction of a project by a contractor, regardless of whether the agreement is in the form of a design-build contract, a franchise agreement, or any other form of contract approved by the Secretary.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the effectiveness of design-build contracting procedures.

(2) CONTENTS.—The report shall contain—

(A) an assessment of the effect of design-build contracting on project quality, project cost, and timeliness of project delivery;

(B) recommendations on the appropriate level of design for design-build procurements;

(C) an assessment of the impact of design-build contracting on small businesses;

(D) assessment of the subjectivity used in design-build contracting; and

(E) such recommendations concerning design-build contracting procedures as the Secretary determines to be appropriate.

SEC. 1308. MAJOR INVESTMENT STUDY INTEGRATION.

The Secretary shall eliminate the major investment study set forth in section 450.318 of title 23, Code of Federal Regulations, as a separate requirement, and promulgate regulations to integrate such requirement, as appropriate, as part of the analyses required to be undertaken pursuant to the planning provisions of title 23, United States Code, and chapter 53 of title 49, United States Code, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for Federal-aid highway and transit projects. The scope of the applicability of such regulations shall be no broader than the scope of such section.

SEC. 1309. ENVIRONMENTAL STREAMLINING.

(a) COORDINATED ENVIRONMENTAL REVIEW PROCESS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement a coordinated environmental review process for highway construction projects that require—

(A) the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), except that the Secretary may decide not to apply this section to

the preparation of an environmental assessment under such Act; or

(B) the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval by operation of Federal law.

(2) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as specified in this section), all environmental reviews, analyses, opinions, and any permits, licenses, or approvals that must be issued or made by any Federal agency for the project concerned shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of project may be incorporated into a memorandum of understanding between the Department of Transportation and Federal agencies (and, where appropriate, State agencies).

(B) ESTABLISHMENT OF TIME PERIODS.—In establishing the time period referred to in subparagraph (A), and any time periods for review within such period, the Department and all such agencies shall take into account their respective resources and statutory commitments.

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL REVIEW PROCESS.—For each project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) FEDERAL AGENCY IDENTIFICATION.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the project and the analysis of which would be part of any environmental document required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) may be required by Federal law to independently—

(i) conduct an environmental-related review or analysis; or

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(2) TIME LIMITATIONS AND CONCURRENT REVIEW.—The Secretary and the head of each Federal agency identified under paragraph (1)—

(A)(i) shall jointly develop and establish time periods for review for—

(I) all Federal agency comments with respect to any environmental review documents required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the project; and

(II) all other independent Federal agency environmental analyses, reviews, opinions, and decisions on any permits, licenses, and approvals that must be issued or made for the project; whereby each such Federal agency's review shall be undertaken and completed within such established time periods for review; or

(ii) may enter into an agreement to establish such time periods for review with respect to a class of project; and

(B) shall ensure, in establishing such time periods for review, that the conduct of any such analysis, review, opinion, and decision is undertaken concurrently with all other environmental reviews for the project, including the reviews required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); except that such review may not be concurrent if the affected Federal agency can demonstrate that such concurrent review would result in a significant adverse impact to the environment or substantively alter the operation of Federal law or would not be possible without information developed as part of the environmental review process.

(3) FACTORS TO BE CONSIDERED.—Time periods for review established under this section shall be consistent with the time periods established by the Council on Environmental Quality under sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations.

(4) EXTENSIONS.—The Secretary shall extend any time periods for review under this section if, upon good cause shown, the Secretary and any Federal agency concerned determine that additional time for analysis and review is needed as a result of new information that has been discovered that could not reasonably have been anticipated when the Federal agency's time periods for review were established. Any memorandum of understanding shall be modified to incorporate any mutually agreed-upon extensions.

(c) DISPUTE RESOLUTION.—When the Secretary determines that a Federal agency which is subject to a time period for its environmental review or analysis under this section has failed to complete such review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period or within any agreed-upon extension to such time period, the Secretary may, after notice and consultation with such agency, close the record on the matter before the Secretary. If the Secretary finds, after timely compliance with this section, that an environmental issue related to the project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, the Secretary and the head of the Federal agency shall resolve the matter not later than 30 days after the date of the finding by the Secretary.

(d) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under chapter 1 of title 23, United States Code, a State, by operation of State law, may require that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project, or that are required to issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project, be subject to the coordinated environmental review process established under this section unless the Secretary determines that a State's participation would not be in the public interest. For a State to require State agencies to participate in the review process, all affected agencies of the State shall be subject to the review process.

(e) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary may approve a request by a State to provide funds made available under chapter 1 of title 23, United States Code, to the State for the project subject to the coordinated environmental review process established under this section to affected Federal agencies to provide the resources necessary to meet any time limits established under this section.

(2) AMOUNTS.—Such requests under paragraph (1) shall be approved only—

(A) for the additional amounts that the Secretary determines are necessary for the affected Federal agencies to meet the time limits for environmental review; and

(B) if such time limits are less than the customary time necessary for such review.

(f) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in a district court of the United States or in the court of any State.

(2) SAVINGS CLAUSE.—Nothing in this section shall affect the applicability of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(g) FEDERAL AGENCY DEFINED.—In this section, the term ''Federal agency'' means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

SEC. 1310. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 109 the following:

''§ 110. Uniform transferability of Federal-aid highway funds

''(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (b) and (c), if at least 50 percent of a State's apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State's apportionment section 104(b)(3) may not be transferred to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

''(b) APPLICATION TO CERTAIN SET-ASIDES.—No funds may be transferred under this section that are subject to the last sentence of section 133(d)(1) or to section 104(f) or to section 133(d)(3). The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(1) or 133(d)(2) for a fiscal year may not exceed 25 percent of (1) the amount of such set-aside, less (2) the amount of the State's set-aside under such section for fiscal year 1997.

''(c) APPLICATION TO CERTAIN CMAQ FUNDS.—The maximum amount that a State may transfer under this section of the State's apportionment under section 104(b)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such apportionment, less (2) the amount that the State's apportionment under section 104(b)(2) for such fiscal year would have been had the program been funded at $1,350,000,000. Any such funds apportioned under section 104(b)(2) and transferred under this section may only be obligated in geographic areas eligible for the obligation of funds apportioned under section 104(b)(2).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by inserting after the item relating to section 109 the following:

''110. Uniform transferability of Federal-aid highway funds.''.

Subtitle D—Safety

SEC. 1401. HAZARD ELIMINATION PROGRAM.

Section 152 of title 23, United States Code, is amended—

(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'';

(C) by adding at the end the following:

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

''(A) identify, through a survey, hazards to motorists, bicyclists, pedestrians, and users of highway facilities; and

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

(D) by aligning the remainder of the text of paragraph (1) (as designated by subparagraph (A) of this paragraph) with paragraph (2) of such subsection (as added by subparagraph (C) of this paragraph);

(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 surface transportation facility or any publicly owned bicycle or pedestrian pathway or trail; or

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

(4) in subsection (e)—

(A) by striking ''apportioned to'' in the first sentence and all that follows through ''shall be'' in the second sentence; and

(B) by striking ''section 104(b)(1)'' and inserting ''section 104(b)''; and

(5) in subsections (f) and (g) by striking ''highway safety improvement projects'' each place it appears and inserting ''safety improvement projects''.

SEC. 1402. ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue 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.

(b) TRAFFIC FLOW AND SAFETY APPLICATIONS OF ROAD BARRIERS.—

(1) STUDY.—The Secretary shall conduct a study on the technologies and methods to enhance safety, streamline construction, and improve capacity by providing positive separation at all times between traffic, equipment, and workers on highway construction projects. The study shall also address how such technologies can be used to improve capacity and safety at those specific highway, bridge, and other appropriate locations where reversible lane, contraflow, and high occupancy vehicle lane operations are implemented during peak traffic periods.

(2) USES TO CONSIDER.—In conducting the study, the Secretary shall consider, at a minimum, uses of positive separation technologies related to—

(A) separating workers from traffic flow when work is in progress;

(B) providing additional safe work space by utilizing adjacent and available traffic lanes during off-peak hours;

(C) rapid deployment to allow for daily or periodic restoration of lanes for use by traffic during peak hours as needed;

(D) mitigating congestion caused by construction by—

(i) opening all adjacent and available lanes to traffic during peak traffic hours; or

(ii) using reversible lanes to optimize capacity of the highway by adjusting to directional traffic flow; and

(E) permanent use of positive separation technologies to create contraflow or reversible lanes to increase the capacity of congested highways, bridges, and tunnels.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study. The report shall include findings and recommendations for the use of the technologies referred to in paragraph (2) to provide positive separation on appropriate projects.

SEC. 1403. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 157 and inserting the following:

''§157. Safety incentive grants for use of seat belts

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line.

''(2) MULTIPURPOSE PASSENGER MOTOR VEHICLE.—The term 'multipurpose passenger motor vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed on a truck chassis or is constructed with special features for occasional off-road operation.

''(3) NATIONAL AVERAGE SEAT BELT USE RATE.—The term 'national average seat belt use rate' means, in the case of each of calendar years 1996 through 2001, the national average seat belt use rate for that year, as determined by the Secretary.

''(4) PASSENGER CAR.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger motor vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

''(5) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

''(6) SAVINGS TO THE FEDERAL GOVERNMENT.—The term 'savings to the Federal Government' means the amount of Federal budget savings relating to Federal medical costs (including savings under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.)), as determined by the Secretary.

''(7) SEAT BELT.—The term 'seat belt' means—

''(A) with respect to an open-body passenger motor vehicle, including a convertible, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

''(B) with respect to any other passenger motor vehicle, an occupant restraint system consisting of integrated lap and shoulder belts.

''(8) STATE SEAT BELT USE RATE.—The term 'State seat belt use rate' means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary—

''(A) for each of calendar years 1996 and 1997, by the State, as weighted by the Secretary to ensure national consistency in methods of measurement (as determined by the Secretary); and

''(B) for each of calendar years 1998 through 2001, by the State in a manner consistent with the criteria established by the Secretary under subsection (e).

''(b) DETERMINATIONS BY THE SECRETARY.—Not later than September 1, 1998, and September 1 of each calendar year thereafter through September 1, 2002, the Secretary shall determine—

''(1)(A) which States had, for each of the previous calendar years (in this subsection referred to as the 'previous calendar year') and the year preceding the previous calendar year, a State seat belt use rate greater than the national average seat belt use rate for that year; and

''(B) in the case of each State described in subparagraph (A), the amount that is equal to the savings to the Federal Government due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year; and

''(2) in the case of each State that is not a State described in paragraph (1)(A)—

''(A) the base seat belt use rate of the State, which shall be equal to the highest State seat belt use rate for the State for any calendar year during the period of 1996 through the calendar year preceding the previous calendar year; and

''(B) the amount that is equal to the savings to the Federal Government due to any increase in the State seat belt use rate for the previous calendar year over the base seat belt use rate determined under subparagraph (A).

''(c) ALLOCATIONS.—

''(1) STATES WITH GREATER THAN THE NATIONAL AVERAGE SEAT BELT USE RATE.—Not later than October 1, 1998, and each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(1)(A) an amount equal to the amount determined for the State under subsection (b)(1)(B).

''(2) OTHER STATES.—Not later than October 1, 1998, and each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(2) an amount equal to the amount determined for the State under subsection (b)(2)(B).

''(d) USE OF AMOUNTS.—For each fiscal year, each State that is allocated an amount under this section shall use the amount for projects eligible for assistance under this title.

''(e) CRITERIA.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish criteria for the measurement of State seat belt use rates by States to ensure that the measurements are accurate and representative.

''(f) INNOVATIVE SEAT BELT PROJECT ALLOCATIONS.—

''(1) IN GENERAL.—The Secretary shall use amounts made available under subsection (g)(3) to make allocations to States to carry out innovative projects to promote increased seat belt use rates.

''(2) DETERMINATION OF ELIGIBILITY.—To be eligible to receive an allocation under this subsection for a fiscal year, a State shall—

''(A) develop a plan for innovative projects described in paragraph (1); and

''(B) submit the plan to the Secretary not later than March 1 of the fiscal year.

''(3) PLAN SELECTION.—

''(A) CRITERIA.—Not later than December 1, 1998, the Secretary shall establish criteria for the selection of State plans for allocations under this subsection.

''(B) SELECTION.—The Secretary shall select State plans for allocations under this subsection in accordance with the criteria established under subparagraph (A).

''(C) STATES.—In carrying out this paragraph, the Secretary shall ensure, to the maximum extent practicable, demographic and geographic diversity and a diversity of seat belt use rates among the States selected for allocations.

''(4) ALLOCATION.—Not later than October 1, 1999, and each October 1 thereafter through October 1, 2002, the Secretary shall allocate funds to the States whose plans were selected under paragraph (3).

''(5) AMOUNT OF ALLOCATIONS.—Subject to the availability of unallocated amounts under subsection (g)(3), the amount of each allocation to a State under this subsection shall be not less than $100,000 for each fiscal year that is covered by a State plan.

''(6) USE OF ALLOCATIONS.—An allocation to a State under this subsection shall be used to carry out the innovative seat belt projects described in the State plan for which the allocation is awarded.

''(7) FEDERAL SHARE.—The Federal share of the cost of an innovative seat belt project under this section shall be 100 percent.

''(8) PERIOD OF AVAILABILITY.—Amounts allocated to a State under this subsection shall remain available for obligation in the State for a period of 3 years after the last day of the fiscal year for which the amounts are allocated.

''(g) FUNDING.—

''(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $82,000,000 for fiscal year 1999, $92,000,000 for fiscal year 2000, $102,000,000 for fiscal year 2001, $112,000,000 for fiscal year 2002, and $112,000,000 for fiscal year 2003.

''(2) PROPORTIONATE ADJUSTMENT.—If the total amounts to be allocated under subsection (c) for any fiscal year would exceed the amounts authorized for the fiscal year under paragraph (1), the allocation to each State under subsection (c) shall be reduced proportionately.

''(3) USE OF UNALLOCATED FUNDS.—

''(A) FISCAL YEAR 1999.—To the extent that the amounts made available for fiscal year 1999

under paragraph (1) exceed the total amounts to be allocated under subsection (c) for fiscal year 1999, the excess amounts—

''(i) shall be apportioned in accordance with section 104(b)(3);

''(ii) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d); and

''(iii) shall be available for any purpose eligible for funding under section 133.

''(B) FISCAL YEARS 2000 THROUGH 2003.—To the extent that the amounts made available for any of fiscal years 2000 through 2003 under paragraph (1) exceed the total amounts to be allocated under subsection (c) for the fiscal year, the excess amounts shall be used to make allocations under subsection (f).''.

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

''157. Safety incentive grants for use of seat belts.''.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) shall not affect any funds apportioned or allocated before the date of enactment of this Act.

SEC. 1404. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 163. Safety incentives to prevent operation of motor vehicles by intoxicated persons

''(a) GENERAL AUTHORITY.—The Secretary shall make a grant, in accordance with this section, to any State that has enacted and is enforcing a law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State shall be deemed to have committed a per se offense of driving while intoxicated (or an equivalent per se offense).

''(b) GRANTS.—For each fiscal year, funds authorized to carry out this section shall be apportioned to each State that has enacted and is enforcing a law meeting the requirements of subsection (a) in an amount determined by multiplying—

''(1) the amount authorized to carry out this section for the fiscal year; by

''(2) the ratio that the amount of funds apportioned to each such State under section 402 for such fiscal year bears to the total amount of funds apportioned to all such States under section 402 for such fiscal year.

''(c) USE OF GRANTS.—A State may obligate funds apportioned under subsection (b) for any project eligible for assistance under this title.

''(d) FEDERAL SHARE.—The Federal share of the cost of a project funded under this section shall be 100 percent.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $55,000,000 for fiscal year 1998, $65,000,000 for fiscal year 1999, $80,000,000 for fiscal year 2000, $90,000,000 for fiscal year 2001, $100,000,000 for fiscal year 2002, and $110,000,000 for fiscal year 2003.

''(2) AVAILABILITY OF FUNDS.—Notwithstanding section 118(b)(2), the funds authorized by this subsection shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''Sec. 163. Safety incentives to prevent operation of motor vehicles by intoxicated persons.''.

Subtitle E—Finance

CHAPTER 1—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

SEC. 1501. SHORT TITLE.

This chapter may be cited as the ''Transportation Infrastructure Finance and Innovation Act of 1998''.

SEC. 1502. FINDINGS.

Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) traditional public funding techniques such as grant programs are unable to keep pace with the infrastructure investment needs of the United States because of budgetary constraints at the Federal, State, and local levels of government;

(3) major transportation infrastructure facilities that address critical national needs, such as intermodal facilities, border crossings, and multistate trade corridors, are of a scale that exceeds the capacity of Federal and State assistance programs in effect on the date of enactment of this Act;

(4) new investment capital can be attracted to infrastructure projects that are capable of generating their own revenue streams through user charges or other dedicated funding sources; and

(5) a Federal credit program for projects of national significance can complement existing funding resources by filling market gaps, thereby leveraging substantial private co-investment.

SEC. 1503. 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, the following definitions apply:

''(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) INVESTMENT-GRADE RATING.—The term 'investment-grade rating' means a rating category of BBB minus, Baa3, or higher assigned by a rating agency to project obligations offered into the capital markets.

''(4) 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.

''(5) 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.

''(6) 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.

''(7) 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.

''(8) 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.

''(9) PROJECT.—The term 'project' means—

''(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49;

''(B) a project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible.

''(C) a project for intercity passenger bus or rail facilities and vehicles, including facilities and vehicles owned by the National Railroad Passenger Corporation and components of magnetic levitation transportation systems; and

''(D) a project for publicly owned intermodal surface freight transfer facilities, other than seaports and airports, if the facilities are located on or adjacent to National Highway System routes or connections to the National Highway System.

''(10) 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.

''(11) RATING AGENCY.—The term 'rating agency' means a bond rating agency identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization.

''(12) 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.

''(13) STATE.—The term 'State' has the meaning given the term in section 101.

''(14) SUBSIDY AMOUNT.—The term 'subsidy amount' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

''(15) 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.—

''(A) IN GENERAL.—The selection criteria shall include the following:

''(i) 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.

''(ii) 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.

''(iii) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

''(iv) 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.

''(v) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

''(vi) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

''(vii) The extent to which the project helps maintain or protect the environment.

''(viii) The extent to which assistance under this chapter would reduce the contribution of Federal grant assistance to the project.

''(B) PRELIMINARY RATING OPINION LETTER.—For purposes of subparagraph (A)(ii), the Secretary shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency indicating that the project's senior obligations have the potential to achieve an investment-grade rating.

''(c) FEDERAL REQUIREMENTS.—In addition to the requirements of this title for highway projects, chapter 53 of title 49 for transit projects, and section 5333(a) of title 49 for rail projects, 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 paragraphs (2) through (4), 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.

''(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 182(b)(2)(B), shall determine an appropriate capital reserve subsidy amount for each secured loan, taking into account such letter.

''(4) INVESTMENT-GRADE RATING REQUIREMENT.—The funding of a secured loan under this section shall be contingent on the project's senior obligations receiving an investment-grade rating, except that—

''(A) the Secretary may fund an amount of the secured loan not to exceed the capital reserve subsidy amount determined under paragraph (3) prior to the obligations receiving an investment-grade rating; and

''(B) the Secretary may fund the remaining portion of the secured loan only after the obligations have received an investment-grade rating by at least 1 rating agency.

''(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 the scheduled loan repayments of principal and interest on the secured loan, the Secretary may, subject to subparagraph (C), 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).

''(C) CRITERIA.—

''(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Secretary.

''(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

''(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.—Subject to paragraphs (2) through (4), 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.

''(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 182(b)(2)(B), shall determine an appropriate capital reserve subsidy amount for each line of credit, taking into account such letter.

''(4) INVESTMENT-GRADE RATING REQUIREMENT.—The funding of a line of credit under this section shall be contingent on the project's senior obligations receiving an investment-grade rating from at least 1 rating agency.

''(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) 1-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 also shall not 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) FUNDING.—

''(1) IN GENERAL.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

''(A) $80,000,000 for fiscal year 1999;

''(B) $90,000,000 for fiscal year 2000;

''(C) $110,000,000 for fiscal year 2001;

''(D) $120,000,000 for fiscal year 2002; and

''(E) $130,000,000 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. 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. Report to Congress.''; and

(2) by inserting before section 101 the following:

''SUBCHAPTER I—GENERAL PROVISIONS''.

SEC. 1504. 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.''.

CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

SEC. 1511. STATE INFRASTRUCTURE BANK PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) OTHER ASSISTANCE.—The term ''other assistance'' includes any use of funds in an infrastructure bank—

(A) to provide credit enhancements;

(B) to serve as a capital reserve for bond or debt instrument financing;

(C) to subsidize interest rates;

(D) to ensure the issuance of letters of credit and credit instruments;

(E) to finance purchase and lease agreements with respect to transit projects;

(F) to provide bond or debt financing instrument security; and

(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which the assistance is being provided.

(2) STATE.—The term ''State'' has the meaning given the term under section 401 of title 23, United States Code.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—

(A) PURPOSE OF AGREEMENTS.—Subject to this section, the Secretary may enter into cooperative agreements with the States of California, Florida, Missouri, and Rhode Island for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

(B) CONTENTS OF AGREEMENTS.—Each cooperative agreement shall specify procedures and guidelines for establishing, operating, and providing assistance from the infrastructure bank.

(2) INTERSTATE COMPACTS.—If 2 or more States enter into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, Congress grants consent to those States to enter into an interstate compact establishing the bank in accordance with this section.

(c) FUNDING.—

(1) CONTRIBUTION.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (h)(1), a State that enters into a cooperative agreement under this section to contribute to the infrastructure bank established by the State not to exceed—

(A)(i) the total amount of funds apportioned to the State under each of paragraphs (1), (3), and (4) of section 104(b) and section 144 of title 23, United States Code, excluding funds set aside under paragraphs (1) and (2) of section 133(d) of such title; and

(ii) the total amount of funds allocated to the State under section 105 of such title;

(B) the total amount of funds made available to the State or other Federal transit grant recipient for capital projects (as defined in section 5302 of title 49, United States Code) under sections 5307, 5309, and 5311 of such title; and

(C) the total amount of funds made available to the State under subtitle V of title 49, United States Code.

(2) CAPITALIZATION GRANT.—For the purposes of this section, Federal funds contributed to the infrastructure bank under this subsection shall constitute a capitalization grant for the infrastructure bank.

(3) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds that are apportioned or allocated to a State under section 104(b)(3) of title 23, United States Code, and attributed to urbanized areas of a State with a population of over 200,000 individuals under section 133(d)(2) of such title may be used to provide assistance from an infrastructure bank under this section with respect to a project only if the metropolitan planning organization designated for the area concurs, in writing, with the provision of the assistance.

(d) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—

(1) IN GENERAL.—An infrastructure bank established under this section may make loans or provide other assistance to a public or private entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section.

(2) SUBORDINATION OF LOANS.—The amount of any loan or other assistance provided for the project may be subordinated to any other debt financing for the project.

(3) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds contributed to an infrastructure bank under this section shall not be made in the form of a grant.

(e) QUALIFYING PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (2), funds in an infrastructure bank established under this section may be used only to provide assistance with respect to projects eligible for assistance under title 23, United States Code, for capital projects (as defined in section 5302 of title 49, United States Code), or for any other project related to surface transportation that the Secretary determines to be appropriate.

(2) INTERSTATE FUNDS.—Funds contributed to an infrastructure bank from funds apportioned to a State under section 104(b)(4) of title 23, United States Code, may be used only to provide assistance with respect to projects eligible for assistance under such paragraph.

(3) RAIL PROGRAM FUNDS.—Funds contributed to an infrastructure bank from funds made available to a State under subtitle V of title 49 United States Code, shall be used in a manner consistent with any project description specified under the law making the funds available to the State.

(f) INFRASTRUCTURE BANK REQUIREMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), in order to establish an infrastructure bank under this section, each State establishing such a bank shall—

(A) contribute, at a minimum, to the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and contributed to the bank under subsection (c), except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;

(B) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances and its ability to pay claims under credit enhancement programs of the bank;

(C) ensure that investment income generated by funds contributed to the bank will be—

(i) credited to the bank;

(ii) available for use in providing loans and other assistance to projects eligible for assistance from the bank; and

(iii) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(D) ensure that any loan from the bank will bear interest at or below market rates, as determined by the State, to make the project that is the subject of the loan feasible;

(E) ensure that repayment of the loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

(F) ensure that the term for repaying any loan will not exceed the lesser of—

(i) 35 years after the date of the first payment on the loan under subparagraph (E); or

(ii) the useful life of the investment; and

(G) require the bank to make a biennial report to the Secretary and to make such other reports as the Secretary may require in guidelines.

(2) WAIVERS BY THE SECRETARY.—The Secretary may waive a requirement of any of subparagraphs (C) through (G) of paragraph (1) with respect to an infrastructure bank if the Secretary determines that the waiver is consistent with the objectives of this section.

(g) LIMITATION ON REPAYMENTS.—Notwithstanding any other provision of law, the repayment of a loan or other assistance provided from an infrastructure bank under this section may not be credited toward the non-Federal share of the cost of any project.

(h) SECRETARIAL REQUIREMENTS.—In administering this section, the Secretary shall—

(1) ensure that Federal disbursements shall be at an annual rate of not more than 20 percent of the amount designated by the State for State infrastructure bank capitalization under subsection (c)(1), except that the Secretary may disburse funds to a State in an amount needed to finance a specific project; and

(2) revise cooperative agreements entered into with States under section 350 of the National Highway System Designation Act of 1995 (Public Law 104–59) to comply with this section.

(i) APPLICABILITY OF FEDERAL LAW.—

(1) IN GENERAL.—The requirements of titles 23 and 49, United States Code, that would otherwise apply to funds made available under such title and projects assisted with those funds shall apply to—

(A) funds made available under such title and contributed to an infrastructure bank established under this section, including the non-Federal contribution required under subsection (f); and

(B) projects assisted by the bank through the use of the funds;

except to the extent that the Secretary determines that any requirement of such title (other than sections 113 and 114 of title 23 and section 5333 of title 49), is not consistent with the objectives of this section.

(2) REPAYMENTS.—The requirements of titles 23 and 49, United States Code, shall apply to repayments from non-Federal sources to an infrastructure bank from projects assisted by the bank. Such a repayment shall be considered to be Federal funds.

(j) UNITED STATES NOT OBLIGATED.—

(1) IN GENERAL.—The contribution of Federal funds to an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party. No third party shall have any right against the United States for payment solely by virtue of the contribution.

(2) STATEMENT.—Any security or debt financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(k) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds contributed under this section.

(l) PROGRAM ADMINISTRATION.—

(1) IN GENERAL.—A State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

(2) NON-FEDERAL FUNDS.—The limitation described in paragraph (1) shall not apply to non-Federal funds.

Subtitle F—High Priority Projects

SEC. 1601. HIGH PRIORITY PROJECTS PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by striking section 117 and inserting the following:

''§ 117. High priority projects program

''(a) AUTHORIZATION OF HIGH PRIORITY PROJECTS.—The Secretary is authorized to carry out high priority projects with funds made available to carry out the high priority projects program under this section. Of amounts made available to carry out this section, the Secretary, subject to subsection (b), shall make available to carry out each project described in section 1602 of the Transportation Equity Act for the 21st Century the amount listed for such project in such section. Any amounts made available to carry out such program that are not allocated for projects described in such section

shall be available to the Secretary, subject to subsection (b), to carry out such other high priority projects as the Secretary determines appropriate.

''(b) ALLOCATION PERCENTAGES.—For each project to be carried out with funds made available to carry out the high priority projects program under this section—

''(1) 11 percent of such amount shall be available for obligation beginning in fiscal year 1998;

''(2) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

''(3) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

''(4) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

''(5) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

''(6) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.

''(c) FEDERAL SHARE.—The Federal share payable on account of any project carried out with funds made available to carry out this section shall be 80 percent of the total cost thereof.

''(d) DELEGATION TO STATES.—Subject to the provisions of this title, the Secretary shall delegate responsibility for carrying out a project or projects, with funds made available to carry out this section, to the State in which such project or projects are located upon request of such State.

''(e) ADVANCE CONSTRUCTION.—When a State which has been delegated responsibility for a project under this section—

''(1) has obligated all funds allocated under this section and section 1602 of the Transportation Equity Act for the 21st Century for such project; and

''(2) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this section and section 1602 of the Transportation Equity Act for the 21st Century.

''(f) PERIOD OF AVAILABILITY.—Funds made available to carry out this section shall remain available until expended.

''(g) AVAILABILITY OF OBLIGATION LIMITATION.—Obligation authority attributable to funds made available to carry out this section shall only be available for the purposes of this section and shall remain available until obligated pursuant to section 1102(g) of the Transportation Equity Act for the 21st Century.

''(h) TREATMENT.—Funds allocated to a State in accordance with this section shall be treated as amounts in addition to the amounts a State is apportioned under sections 104, 105, and 144 for programmatic purposes.''.

(b) PURPOSE OF PROJECTS.—Section 145 of such title is amended—

(1) by inserting ''(a) PROTECTION OF STATE SOVEREIGNTY.—'' before ''The authorization''; and

(2) by adding at the end the following:

''(b) PURPOSE OF PROJECTS.—The projects described in section 1602 of the Transportation Equity Act for the 21st Century, sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027 et seq.), and section 149(a) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 181 et seq.) are intended to establish eligibility for Federal-aid highway funds made available for such projects by section section 1101(a)(13) of the Transportation Equity Act for the 21st Century, 117 of title 23, United States Code, sections 1103 through 1108 of Intermodal Surface Transportation Efficiency Act of 1991, and subsections (b), (c), and (d) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, respectively, and are not intended to define the scope or limits of Federal action in a manner inconsistent with subsection (a).''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by striking the item relating to section 117 and inserting the following:

''117. High priority projects program.''.

SEC. 1602. PROJECT AUTHORIZATIONS.

Subject to section 117 of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 1101(a)(13) of the Transportation Equity Act for the 21st Century) for fiscal years 1998 through 2003 to carry out each such project:

No.	State	Project description	[Dollars in Millions]
1.	Georgia	I-75 advanced transportation management system in Cobb County	1.275
2.	Ohio	Relocate Washington Street/SR 149 within Bellaire city limits in Belmont County	2
3.	Virginia	Commuter and freight rail congestion and mitigation project over Quantico Creek	7.5
4.	Michigan	Construct bike path between Mount Clemens and New Baltimore	3.75
5.	California	Extend I-10 HOV lanes, Los Angeles	2.205
6.	Utah	Reconstruct US-89 and interchange at 200 North in Kaysville	5.25
7.	Ohio	Upgrade North Road between US 422 and East Market St., Trumbull Co.	1.2
8.	Tennessee	Alternative transportation systems, Rutherford	5.1
9.	New York	Improve Long Ridge Road from Pound Ridge Road to Connecticut State line	1.4
10.	New York	I-87 Noise Abatement Program	7.5
11.	California	Upgrade access road to Mare Island	0.75
12.	Texas	Reconstruct FM 364 between Humble Road and I-10, Beaumont	3.6
13.	Washington	Construct pedestrian access and safety on Deception Pass Bridge, Deception Pass State Park, Washington	1
14.	Ohio	Conduct feasibility study for inclusion of US-22 as part of the Interstate System	0.1
15.	New York	Improve Route 9 in Dutchess County	1.14
16.	California	Reconstruct State Route 81 (Sierra Ave.) and I-10 Interchange in Fontana	7.5
17.	New York	Reconstruct Springfield Blvd. between the Long Island Rail main line south to Rockaway Blvd., Queens County	3
18.	Tennessee	Reconstruction of US-414 In Henderson County	3.75
19.	New Jersey	Upgrade Market St./Essex St. and Rochelle Ave./Main St. to facilitate access to Routes 17 and 80, Bergen Co.	3.75
20.	Pennsylvania	US-209 Marshall's Creek Traffic Relief project in Monroe County	7.5
21.	Louisiana	Replace ferry in Plaquemines Parish	1.6125
22.	Arkansas	Construct access routes between interstate highway, industrial park and Slackwater Harbor, Little Rock	0.75
23.	Georgia	Reconstruct SR-26/US-60 from Bull River to Lazaretto Creek	2.6625
24.	California	Improve SR-91/Green River Road interchange	4.875
25.	Ohio	Construct new bridge over Muskingum River and highway approaches, Washington County.	1.5
26.	Virginia	Widen Route 123 from Prince William County line to State Route 645 in Fairfax County, Virginia.	7.5
27.	California	Improve the interchange at Cabo and Nason Street in Moreno Valley	4.5
28.	Nevada	Canamex Corridor Innovative Urban Renovation project in Henderson	5.25
29.	California	Construct bikeways, Santa Maria	0.384
30.	Louisiana	Expand Harding Road from Scenic Highway to the Mississippi River and construct an information center	2.7
31.	Florida	West Palm Beach Traffic Calming Project on US-1 and Flagur Drive	11.25
32.	Oregon	Construct bike path paralleling 42nd Street to link with existing bike path, Springfield	0.6
33.	Illinois	Construct elevated walkway between Centre Station and arena	0.9
34.	Pennsylvania	Construct Ardmore Streetscape project	0.45
35.	California	Construct San Diego and Arizona Eastern Intermodal Yard, San Ysidro	10
36.	New Jersey	Replace Clove Road bridge over tributary of Mill Brook and Clove Brook in Sussex County	0.75
37.	Oregon	Design and engineering for Newberg-Dundee Bypass	0.375
38.	Ohio	Upgrade US Rt. 33 between vicinity of Haydenville to Floodwood (Nelsonville Bypass)	3.75
39.	Connecticut	Revise interchange ramp on to Route 72 northbound from I-84 East in Plainville, Connecticut	2.8125
40.	Alaska	Construct Spruce Creek Bridge in Soldotna	0.2625
41.	New York	Undertake studies, planning, engineering, design and construction of a tunnel alternative to reconstruction of existing elevated expressway (Gowanus tunnel project)	18
42.	Virginia	Reconstruct SR 168 (Battlefield Blvd.) in Chesapeake	6
43.	Pennsylvania	Upgrade PA 228 (Crows Run Corridor)	5.4
44.	New York	Upgrade and improve Saratoga to Albany intermodal transportation corridor	12.2
45.	Pennsylvania	Widen Montgomery Alley and improve pedestrian and parking facilites in the vicinity of the Falling Spring, Chambersburg	2
46.	Nebraska	Corridor study for Plattsmouth Bridge area to US-75 and Horning Road	0.2625
47.	Pennsylvania	Construct SR 3019 over Great Trough Creek in Huntingdon County	0.375
48.	Pennsylvania	Improve PA 56 from I-99 to Somerset County Line in Bedford County	0.75
49.	Connecticut	Replace Windham Road bridge, Windham	1.5
50.	Tennessee	Upgrade Briley Parkway between I-40 and Opreyland	4.2
51.	Pennsylvania	Renovate Harrisburg Transportation Center in Dauphin County	1.875
52.	Oregon	Construct phase I: highway 99 to Biddle Road of the highway 62 corridor solutions project.	15.625
53.	Washington	Construct traffic signals on US-2 at Olds Owens Road and 5th Street in Sultan, Washington.	0.257
54.	New York	Upgrade Route 17 between Five Mile Point and Occanum, Broome Co.	12.6
55.	Texas	Improve US 82, East-West Freeway between Memphis Avenue and University Avenue	12.3
56.	Tennessee	Construct Stones River Greenway, Davidson	8.2
57.	Minnesota	Conduct study of potential for diversion of traffic from the I-35 corridor to commuter rail, Chisago County north of Forest Lake along I-35 corridor to Rush City	0.375
58.	Minnesota	Upgrade 10th Street South, St. Cloud	1.125
59.	Tennessee	Improve State Road 95 from Westover Drive to SR-62 in Roane and Anderson Counties	3.675
60.	California	Construct Ontario International Airport ground access program.	10.5

No.	State	Project description	[Dollars in Millions]
61.	Iowa	Construct four-lane expressway between Des Moines and Marshalltown	7.5
62.	Texas	Upgrade FM225, Nacogdoches	3
63.	Ohio	Upgrade US Rt. 35 between vicinity of Chillicothe to Village of Richmond Dale	3.75
64.	Indiana	Upgrade 93rd Avenue in Merrillville	4.425
65.	California	Improve streets and construct bicycle path, Westlake Village	0.236
66.	Pennsylvania	Upgrade I-95 between Lehigh Ave. and Columbia Ave. and improvements to Girard Ave./I-95 interchange, Philadelphia	21.45
67.	Michigan	Construct I-96/Beck Wixom Road interchange	1.95
68.	Pennsylvania	Construct I-95/Route 332 interchange	1.5
69.	California	Improve streets and construct bicycle path, Calabasas	0.75
70.	New York	Construct Hutton Bridge Project	1
71.	Ohio	Restore Main and First Streets to two-way traffic, Miamisburg	0.3375
72.	Virginia	Widen I-64 Bland Boulevard interchange	25.8375
73.	Washington	Widen Cook Road in Skagit County, Washington.	3.1
74.	New York	Construct interchange and connector road using ITS testbed capabilities at I-90 Exit 8	8.775
75.	New York	Construct Edgewater Road Dedicated Truck Route	9
76.	Illinois	Upgrade Illinois 336 between Illinois 61 to south of Loraine	3.825
77.	Michigan	Reconstruct Bagley Street and improve Genschaw Road, Alpena	0.45
78.	California	Construct Third Street South Bay Basin Bridge, San Francisco	9.375
79.	New Mexico	Improve I-25 at Raton Pass	9
80.	Pennsylvania	Construct Mon-Fayette Expressway between Union Town and Brownsville	20
81.	Michigan	Upgrade Hill Road corridor between I-75 to Dort Highway, Genesee Co.	2.25
82.	Georgia	Improve GA-316 in Gwinnett County	30.675
83.	North Carolina	Construct segment of new freeway, including right-of-way acquisition, between East of US 401 to I-95, and bridge over Cape Fear River	12
84.	Florida	Construct US-98/Thomas Drive interchange	8.25
85.	Illinois	Construct I-64/North Greenmount Rd. interchange, St. Clair Co.	3.6
86.	South Carolina	Three River Greenway Project to and from Gervals Street in Columbia	3.75
87.	New York	Upgrade Chenango County Route 32 in Norwich	1.6
88.	Maine	Construct I-95/Stillwater Avenue interchange	1.5
89.	Massachusetts	Construct I-495/Route 2 interchange east of existing interchange to provide access to commuter rail station, Littleton	3.15
90.	Connecticut	Construct Seaview Avenue Corridor project	2.5
91.	Texas	Construct transportation improvements as part of redevelopment of Kelly AFB, San Antonio	3.75
92.	Texas	Conduct pipeline express study through Texas Transportation Institute (A&M University)	1.125
93.	Illinois	Undertake improvements to Campus Transportation System, Chicago	1.5
94.	Pennsylvania	Improve walking and biking trails between Easton and Lehigh Gorge State Park within the Delaware and Lehigh Canal National Heritage Corridor	2.1
95.	Michigan	Upgrade and make improvements to the Walton Corridor project including segments of Walton Blvd., Baldwin and Joslyn Roads, and Telegraph Road.	10.5
96.	North Carolina	Construct Charlotte Western Outer Loop freeway, Mecklenburg Co.	12
97.	Tennessee	Reconstruct US 79 between Milan and McKenzie	3
98.	Virginia	Undertake access improvements for Freemason Harbor Development Initiative, Norfolk	1.5
99.	Pennsylvania	Upgrade US Rt. 119 between Homer City and Blairsville	3.05
100.	Minnesota	Construct pedestrian bridge over TH 169 in Elk River	0.53025
101.	Georgia	Construct Athens to Atlanta Transportation Corridor	6
102.	Alabama	Initiate construction on controlled access highway between the Eastern edge of Madison County and Mississippi State line.	3
103.	Texas	Construct improvments along US 69 including frontage roads, Jefferson Co.	5.76
104.	New York	Rehabilitate Broadway Bridge, New York City	1.5
105.	Ohio	Reconstruct Morgan County 37 in Morgan County	0.4
106.	California	Improve Mission Boulevard in San Bernardino, California	0.5
107.	Indiana	Widen 116th Street in Carmel	1.125
108.	Illinois	Undertake traffic mitigation and circulation enhancements, 57th and Lake Shore Drive	2
109.	Georgia	Construct Rome to Memphis Highway in Floyd and Bartow Counties	0.584
110.	Ohio	Construct highway-rail grade separations on Snow Road in Brook Park	4.75
111.	Kentucky	Construct highway-rail grade separations along the City Lead in Paducah	0.825
112.	Illinois	Resurface S. Chicago Ave. From 71st to 95th Streets, Chicago	0.795
113.	Minnesota	Upgrade TH 13 between TH 77 and I-494	1.5
114.	Kentucky	Redevelop and improve ground access to Louisville Waterfront District in Louisville, Kentucky.	2.84
115.	South Dakota	Construct US-16 Hell Canyon Bridge and approaches in Custer County	0.441
116.	Georgia	Resurface Davis Drive, Green Street, and North Houston Road in Warner Robins	0.3
117.	Pennsylvania	Construct highway-transit transfer facility in Lemoyne	1.5
118.	Georgia	Upgrade I-75 between the Crisp/Dooly Co. line to the Florida State line	8.25
119.	New Jersey	Conduct Route 46 Corridor Improvement Project with the amount provided, $8,625,000 for the Route 46/Riverview Drive Interchange reconstruction project, $12,675,000 for the Route 46/Van Houton Avenue reconstruction project, and $3,075,000 for the Route 46/Union Blvd. interchange reconstruction project	24.375
120.	Mississippi	Construct segment 2 of the Jackson University Parkway in Jackson	0.6875
121.	New Jersey	Improve grade separations on the Garden State Parkway in Cape May County, New Jersey.	10.5
122.	Pennsylvania	Construct access to site of former Philadelphia Naval Shipyard and Base, Philadelphia	1.5
123.	Idaho	Reconstruct US-95 from Bellgrove to Mica	9
124.	Illinois	Improve access to 93rd Street Station, Chicago	2.25
125.	Illinois	Rehabilitate WPA Streets in Chicago	4.7
126.	Minnesota	Construct grade crossing improvments, Morrison County	1.35
127.	Kentucky	Extend Hurstbourne Parkway from Bardstown Road to Fern Valley Road	4.56
128.	Texas	Upgrade SH 130 in Caldwell amd Williamson Counties	0.75
129.	Massachusetts	Construct bikeway between Blackstone and Worcester	6
130.	New York	Rehabilitate roads, Village of Great Neck	0.12
131.	Virginia	Widen I-81 in Roanoke and Botetourt Counties and in Rockbridge, Augusta and Rockingham Counties	4
132.	Illinois	Construct an interchange at I-90 and Illinois Route 173 in Rockford	5.625
133.	Illinois	Engineering for Peoria to Chicago expressway	5
134.	Pennsylvania	Construct access improvements between exits 56 and 57 off I-81 in Lackawanna	1.275
135.	California	Reconstruct Tennessee Valley Bridge, Marin Co.	0.75
136.	Michigan	Improvements to Card Road between 21 mile road and 23 mile road in Macomb Co.	0.975
137.	Illinois	Construct Veterans Parkway from Eastland Drive to Commerce Parkway in Bloomington	7.88
138.	New York	Conduct safety study and improve I-90 in Downtown Buffalo	0.4
139.	Minnesota	Upgrade CSAH 1 from CSAH 61 to 0.8 miles north	0.36
140.	Pennsylvania	Construct access road and parking facilities, Valley Forge National Historic Park, Valley Forge	3
141.	Illinois	Construct Orchard Road Bridge over the Fox River	5.25
142.	Missouri	Construct US-412 corridor from Kennett to Hayti, Missouri.	6
143.	Michigan	Upgrade M-84 connector between Tittabawasee Rd. and M-13, Bay and Saginaw Counties	13.135
144.	Louisiana	Increase capacity of Lake Pontchartrain Causeway	1
145.	Tennessee	Improve the Elizabethon Connector from US-312 to US-19 East	6.3375
146.	Texas	Construct Austin to San Antonio Corridor	5.625
147.	Pennsylvania	Make safety improvements on PA Rt. 61 (Dusselfink Safety Project) between Rt. 183 in Cressona and SR 0215 in Mount Carbon	7
148.	Tennessee	Improve State Route 92 from I-40 to South of Jefferson City	3.4125
149.	Illinois	Planning, engineering and first phase construction of beltway connector, Decatur.	2
150.	Indiana	Safety improvements to McKinley and Riverside Avenues in Muncie	6.825
151.	Georgia	Widen Georgia Route 6/US-278 in Polk County	5.666
152.	Arkansas	Widen 28th Street and related improvements in Van Buren, Arkansas	0.75
153.	Tennessee	Reconstruct Old Walland Highway bridge over Little River in Townsend	1.26
154.	Missouri	Construct Highway 36 Hannibal Bridge and approaches in Marion County	2.4
155.	Minnesota	Construct Cass County Public Trails Corridors	0.18
156.	Alabama	Construct Eastern Black Warrior River Bridge.	13
157.	Michigan	Construct Monroe Rail Consolidation Project, Monroe	4.5
158.	Illinois	Rehabilitate 95th Street between 54th Place and 50th Avenue, Oak Lawn	0.6
159.	New York	Construct Hamilton Street interchange in Erwin, New York.	12.375
160.	New York	Improve 6th and Columbia Street project in Elmira	0.525
161.	California	Enhance Fort Bragg and Willitis passenger stations	0.275
162.	New York	Capital improvements for the car float operations in Brooklyn, New York, for the New York City Economic Development Corp.	14
163.	New Jersey	Construct New Jersey Exit 13A Flyover (extension of Kapowski Rd. to Trumbull St.)	2
164.	Pennsylvania	Relocate U.S. 22 around the Borough of Holidaysburg, PA, or other projects in the counties of Bedford, Blair, Centre, Franklin, Mifflin, Fulton and Clearfield, and Huntingdon as selected by the State of Pennsylvania	25
165.	Wyoming	Construct Jackson-Teton Pathway in Teton County	1.5
166.	Michigan	Construct improvements to 23 Mile Road between Mound Road and M-53, Macomb County	2.25

No.	State	Project description	[Dollars in Millions]
167.	Michigan	Early preliminary engineering/preliminary engineering to U.S. 131 B.R./ Industrial Connector, Kalamazoo, Michigan.	1.5
168.	Illinois	Construct improvements to segment of Town Creek Road, Jackson Co.	0.975
169.	Vermont	Replace Missisquoi Bay Bridge	12
170.	Massachusetts	Upgrade Sacramento Street underpass, Somerville	0.1875
171.	Oregon	Study and design I-5/Beltline Road interchange reconstruction	3
172.	Massachusetts	Construct accessibility improvments to Charles Street T Station, Boston	3
173.	California	Widen and improve I-5/State Route 126 interchange in Valencia	10.425
174.	Arkansas	Widen Highway 65/82 from Pine Bluff to the Mississippi State line	5.375
175.	Ohio	Rehabilitate Martin Luther King, Jr. Bridge, Toledo	1.5
176.	California	Upgrade I-880, Alameda	7.5
177.	Illinois	Right-of-way acquisition for segment of Alton Bypass between Illinois 143 to Illinois 140 near Alton	3
178.	Georgia	Conduct study of a multimodal transportation corridor along GA-400	17.25
179.	Illinois	Reconstruct Dixie Highway, Harvey	0.3705
180.	Tennessee	Construct State Route 131 from Gill Road to Bishop Road	1.8
181.	Washington	Construct Port of Kalama River Bridge	0.675
182.	Virginia	Upgrade Virginia Route 10, Surrey Co.	0.75
183.	Iowa	Reconstruct US Highway 218 between 7th and 20th Streets inlcuding center turn lane from Hubenthal Place to Carbide Lane, Keokuk	2.5
184.	Oregon	Repair bridge over Rogue River, Gold Beach	10
185.	New Jersey	Construct pedestrian bridge in Washington Township	2.25
186.	Ohio	Construct Chesapeake Bypass, Lawrence Co.	3.75
187.	California	Rehabilitate historic train depot in San Bernadino	2.625
188.	Michigan	Construct improvements to Linden Rd. between Maple Ave. and Pierson Rd., Genessee Co.	0.9
189.	Alabama	Construct Crepe Myrtle Trail near Mobile, Alabama	1.2
190.	New York	Reconstruct Route 23/Route 205 intersection in Oneonta	0.85
191.	Rhode Island	Reconstruct interchanges on Rt. 116 between Rt. 146 and Ashton Viaduct, Lincoln	0.33375
192.	Michigan	Construct route improvements along Washington Ave. between Janes Ave. to Johnson St. and East Genesee Ave. between Saginaw River and Janes Ave., Saginaw	2.7
193.	California	Realign and improve California Route 79 in Riverside County	4.5
194.	Michigan	Construct Tawas Beach Road/US 23 interchange improvements, East Tawas	1.65
195.	Illinois	Rehabilitate Timber Bridge over Little Muddy River and approach roadway, Perry Co.	0.105
196.	Texas	Construct East Loop, Brownsville	0.75
197.	Mississippi	Upgrade Cowan-Lorraine Rd. between I-10 and U.S. 90, Harrison Co.	8.5
198.	California	Construct Alameda Corridor East project	9.5625
199.	Washington	Construct I-5 interchanges in Lewis County	4.9875
200.	Minnesota	Undertake improvements to Hennepin County Bikeway	3.9
201.	Illinois	Construct Alton Bypass from IL-40 to Fosterburg Road	1.875
202.	Louisiana	Construct Houma-Thibodaux to I-10 connector from Gramercy to Houma	2.325
203.	Illinois	Study for new bridge over Mississippi River with terminus points in St. Clair County and St. Louis, MO.	1.05
204.	New York	Rehabilitate Queens Blvd./Sunnyside Yard Bridge, New York City	6
205.	North Carolina	Construct segment of I-74 between Maxton Bypass and NC 710, Robeson Co.	1.5
206.	Alabama	Conduct engineering, acquire right-of-way and construct the Birmingham Northern Beltline in Jefferson County.	17
207.	South Dakota	Replace Meridan Bridge	3.25
208.	Ohio	Upgrade Route 82, Strongsville	5.25
209.	Mississippi	Construct I-20 /Norrell Road interchange, Hinds County	3.75
210.	Wisconsin	Reconstruct U.S. Highway 151, Waupun to Fond du Lac	19.5
211.	Michigan	Improve Kent County Airport road access in Grand Rapids, Michigan by extending 36th Street, improving 48th Street and constructing the I-96/Whitneyville interchange.	11.28
212.	Pennsylvania	Replace Dellville Bridge in Wheatfield	0.75
213.	California	Upgrade Ft. Irwin Road from I-15 to Fort Irwin	1.125
214.	New York	Reconstruct 127th Street viaduct, New York City	1.5
215.	Arkansas	Upgrade US Rt. 67, Newport to Missouri State line	1.5
216.	Louisiana	Extend Howard Avenue to Union Passenger Terminal, New Orleans	6
217.	Colorado	Complete the Powers Boulevard north extension in Colorado Springs	9
218.	Pennsylvania	Widen US-30 from US-222 to PA-340 and from PA-283 to PA-741	9
219.	Pennsylvania	Upgrade Route 219 between Meyersdale and Somerset	2.4
220.	Mississippi	Widen MS-15 from Laurel to Louiseville	7.5
221.	California	Construct bike paths, Thousand Oaks	0.625
222.	Texas	Investigate strategies to reduce congestion and facilitate access at the international border crossing in Roma	0.375
223.	Wisconsin	Upgrade Marshfield Blvd., Marshfield	3.75
224.	Wisconsin	Construct Abbotsford Bypass	4.5
225.	New York	Reconstruct Route 25/Route 27 intersection in St. Lawrence County	0.75
226.	California	Upgrade access to Sylmar/San Fernando Metrolink Station and Westfield Village, Los Angeles	0.375
227.	Tennessee	Construct park and ride intermodal centers for Nashville/Middle Tennessee Commuter Rail	8
228.	Illinois	Upgrade St. Marie Township Road, Jasper County	0.036
229.	Illinois	Resurface 95th St. between Western Ave. and Stony Island Blvd., Chicago	2.34
230.	New York	Construct new exit 46A on I-90 at Route 170 in North Chili	6
231.	Indiana	Upgrade 4 warning devices on north/south rail line from Terre Haute to Evansville	0.3
232.	California	Improve SR-70 from Marysville Bypass to Oroville Freeway	6.25
233.	Dist. of Col.	Implement Geographical Information System, Washington, D.C.	7.5
234.	California	Construct connector between I-5 and SR 113 and reconstruct I-5 interchange with Road 102, Woodland	11.5
235.	Pennsylvania	Reconstruct State Route 2001 in Pike County	6.75
236.	California	Upgrade I-680 Corridor, Alameda Co.	7.5
237.	Louisiana	Reconstruct I-10 and Ryan Street access ramps and frontage street improvements, Lake Charles	6
238.	Arkansas	Construct access route to Northwest Arkansas Regional Airport in Highfill, Arkansas.	12
239.	Pennsylvania	Reconstruct structures and adjacent roadway, Etna and Aspenwall (design and right-of-way acquisition phases), Allegheny Co.	2
240.	Alaska	Construct capital improvements to intermodal freight and passenger facilities servicing the Alaska Marine Highway and other related transportation modes in Seward provided that the state public authority which owns the current intermodal facilities carries out this project with the entire amount of funds provided.	4.5
241.	Illinois	Construct improvements to Pleasant Hill Road, Carbondale	1.425
242.	Florida	Deploy magnetic lane marking system on I-4	0.375
243.	Texas	Extend Texas State Highway 154 between US 80W and State Highway 43S	4.675
244.	Minnesota	Upgrade CSAH 16 between TH 53 and CSAH 4	4.05
245.	Pennsylvania	Upgrade US Rt. 22, Chickory Mountain section	4.85
246.	Arkansas	Improve Arkansas State Highway 12 from US-71 at Rainbow Curve to Northwest Arkansas Regional Airport	0.375
247.	Massachusetts	Implement Cape and Islands Rural Roads Initiative, Cape Cod	0.375
248.	Massachusetts	Reconstruct roadways, Somerville	2.25
249.	Washington	Construct Washington Pass visitor facilities on North Cascades Highway	0.9
250.	Indiana	Construct Hazel Dell Parkway from 96th Street to 146th Street in Carmel	4.125
251.	Georgia	Upgrade Lithonia Industrial Boulevard, DeKalb Co.	0.375
252.	Wisconsin	Upgrade STH 29 between IH 94 and Chippewa Falls	4.5
253.	Kansas	Construct Diamond interchange at Antioch and I-435	7.56
254.	California	Reconstruct I-215 and construct HOV lanes between 2nd Street and 9th Street, San Bernardino	2.0625
255.	Iowa	Relocate US 61 to bypass Fort Madison	2.25
256.	Illinois	Construct Richton Road, Crete	1.5
257.	Ohio	Upgrade US-30 from SR-235 in Hancock County to the Ontario bypass in Richland County.	11.25
258.	Florida	Construct access road to St. Johns Ave. Industrial Park	0.75
259.	Pennsylvania	Design, engineer, ROW acquisition and construct the Luzerne County Community College Road between S.R. 2002 and S.R. 3004 one-mile west of Center Street through S.R. 2008 in the vicinity of Prospect Street and the Luzerne County Community College, including a new interchange on S.R. 0029	10.5
260.	Louisiana	Construct State Highway 3241/State Highway 1088/I-12 interchange in St. Tammany Parish, Louisiana.	8.5
261.	Illinois	Improve access to Rantoul Aviation Center in Rantoul	1.6
262.	Virginia	Improve Harrisonburg East Side roadways in Harrisonburg	0.5
263.	California	Upgrade Highway 99 between State Highway 70 and Lincoln Rd., Sutter Co.	7.3
264.	Indiana	Extend East 56th Street in Lawrence	4.875
265.	New York	Construct the Mineola intermodal facility and Hicksville intermodal facility in Nassau county	10.5
266.	Texas	Upgrade IH-30 between Dallas and Ft. Worth	21.75
267.	Massachusetts	Construct improvements to North Main Street in Worcester	1.8
268.	Arkansas	Study and construct a multi-modal facility Russellville, Arkansas.	0.75
269.	New York	Judd Road Connector in New Hartford and Whitestown, New York	30.3
270.	Oregon	Upgrade I-5, Salem	3
271.	California	Upgrade call boxes throughout Santa Barbara County	1.125
272.	Wisconsin	Upgrade US Rt. 10 between Waupaca to US Rt. 41	6

No.	State	Project description	[Dollars in Millions]
273.	Iowa	Reconstruct I-235 and improve the interchange for access to the MLKing Parkway	5.175
274.	Pennsylvania	Construct Steel Heritage Trail between Glenwood Bridge to Clairton via McKeesport	0.3
275.	Idaho	Construct critical interchanges and grade-crossings on US-20 between Idaho Falls and Chester	7.5
276.	Utah	Construct Cache Valley Highway in Logan	5.25
277.	Massachusetts	Upgrade Rt. 3 between Rt. 128/I-95 to Massachusetts and New Hampshire State Line	6.15
278.	Indiana	Construct Hoosier Heartland from Lafayette to Ft. Wayne	18.75
279.	New York	Conduct traffic calming study on National Scenic Byway Route 5 in Hamburg	0.3
280.	California	Construct I-5 rail grade crossings between I-605 and State Route 91, Los Angeles and Orange Counties	15.09
281.	Massachusetts	Undertake improvements to South Station Intermodal Station	2.25
282.	Massachusetts	Reconstruct Bates Bridge over Merrimack River	3
283.	Illinois	Upgrade Wood Street between Little Calumet River to 171st St., Dixmore, Harvey, Markham, Hazel Crest	0.7425
284.	Pennsylvania	Construct safety and capacity improvements to Rt. 309 and Old Packhouse Road including widening of Old Packhouse Road between KidsPeace National Hospital to Rt. 309	6.15
285.	Illinois	Reconstruct Mt. Erie Blacktop in Mt. Erie	3.385
286.	Michigan	Repair 48th Avenue, Menominee	0.2025
287.	Texas	Reconstruct intermodal connectors on Highway 78 and Highway 544 in Wylie	5.5
288.	Georgia	Conduct a study of transportation alternatives in Northwest Georgia between Atlanta and Chattanooga.	3.75
289.	Louisiana	Reconstruct Jefferson Lakefront bikepath in Jefferson Parish, Louisiana.	1
290.	New York	Construct Midtown West Intermodal Ferry Terminal, New York City	3.5
291.	Maine	Construct I-295 connector, Portland	3.375
292.	Colorado	Construct I-25 truck lane from Lincoln Avenue to Castle Pines Parkway in Douglas County	2.25
293.	New Jersey	Widen Route 1 from Pierson Avenue to Inman Avenue in Middlesex County	5.25
294.	New York	Construct intermodal transportation hub in Patchogue	1.875
295.	New York	Improve Route 281 in Cortland	6.75
296.	California	Construct State Route 76 in Northern San Diego.	7.5
297.	Illinois	Congestion mitigation for Illinois Route 31 and Illinois Route 62 intersection in Algonquin	9
298.	Pennsylvania	Improve South Central Business Park in Fulton County	0.75
299.	California	Willits Bypass, Highway 101in Mendocino County, California	0.65
300.	Texas	Upgrade FM 1764 between FM 646 to State Highway 6	2.25
301.	Ohio	Construct Intermodal Industrial Park in Wellsville	3.04
302.	Texas	Construct US Expressway 77/83 interchange, Harlingen	5.625
303.	Georgia	Construct Harry S. Truman Parkway	2.6625
304.	Maryland	Upgrade I-95/I-495 interchange at Ritchie Marlboro Rd., Prince Georges	3.6
305.	New York	Construct CR-82 from Montauk Highway to Sunrise Highway in Suffolk County	0.435
306.	Pennsylvania	PA 26 over Piney Creek 2-bridges in Bedford County	0.6
307.	Illinois	Intersection improvements at 79th and Stoney Island Blvd., Chicago	1.305
308.	New York	Construct CR-85 from Foster Avenue to CR97 in Suffolk County	0.675
309.	New York	Construct Phase II of the City of Mount Vernon's New Haven Railroad Redevelopment project	2
310.	Alabama	Construct improvements to 41st Street between 1st Ave. South and Airport Highway, Birmingham	0.75
311.	Alaska	Improve roads in Kotzebue	1.7625
312.	Pennsylvania	Conduct preliminary engineering on the relocation of exits 4 and 5 on I-83 in York County	1.5
313.	North Carolina	Construct I-540 from east of NC Rt. 50 to east of US Rt. 1 in Wake Co.	9.75
314.	Alabama	Construct enhancements along 12th Street between State Highway 11 and Baptist Princeton Hospital, Birmingham	0.6
315.	Pennsylvania	Conduct highway research, Drexel University	1
316.	Illinois	Improve IL-113 in Kankakee	5.55
317.	Texas	Upgrade JFK Causeway, Corpus Christi	2.25
318.	Pennsylvania	Construct Philadelphia Intermodal Gateway Project at 30th St. Station	6
319.	Wisconsin	Construct STH-26/US-41 Interchange in Oshkosh	2.25
320.	California	Improve and widen Forest Hill Road in Placer County	2.7
321.	Florida	ITS improvements on US-19 in Pasco County	1.5
322.	Nebraska	Conduct corridor study from Wayne to Vermillion-Newcastle bridge	0.4125
323.	Oregon	Construct right-of-way improvements to provide improved pedestrian access to MAX light rail, Gresham	1
324.	Virginia	Repair historic wooden bridges along portion of Virginia Creeper Trail maintained by Town of Abingdon	0.75
325.	Oregon	Reconstruct Lovejoy ramp, Portland	5
326.	Washington	Widen SR-99 between 148th Street and King County Line in Lynnwood	2.7
327.	Minnesota	Construct Trunk Highway 169 Causeway, Itasca Co.	6.075
328.	Louisiana	Conduct a feasibility and design study of Louisiana Highway 30 between Louisiana Highway 44 and I-10	1.5
329.	Indiana	Reconstruct US Rt. 231 between junction of State Road 66 to Dubois Co. line	0.6
330.	Massachusetts	Construct Greenfield-Montague Bikeways, Franklin Co.	0.675
331.	California	Improve highway access to Humboldt Bay and Harbor Port	0.275
332.	Virginia	Construct road improvement, trailhead development and related facilities for Haysi to Breaks Interstate Bicycle and Pedestrain Trail between Haysi and Garden Hole area of Breaks Interstate Park	0.25
333.	Pennsylvania	Replace Grant Street Bridge, New Castle	1.8
334.	North Dakota	Upgrade U.S. Route 52 between Donnybrook and US Route 2	1.8
335.	Florida	Construct Wonderwood Connector from Mayport to Arlington, Duval County, Florida.	27.725
336.	California	Construct pedestrian boardwalk between terminus of Pismo Promenade at Pismo Creek and Grande Avenue in Gover Beach	0.375
337.	Pennsylvania	Construct PA-283 North Union Street ramps in Dauhpin County	1.8375
338.	New Jersey	Upgrade Garden State Parkway Exit 142	22.5
339.	Minnesota	Extend County State Highway 61 extension into Two Harbors	0.6
340.	Minnesota	Reconstruct and replace I-494 Wakota Bridge from South St. Paul to Newport, and approaches	9.75
341.	Texas	Reconstruct and widen I-35 between North of Georgetown at Loop 418 to US Rt. 190	6
342.	Georgia	Undertake major arterial enhancements in DeKalb Co. with the amount provided as follows: $5,250,000 for Candler Rd., $5,625,000 for Memorial Drive and $675,000 for Bufford Highway	11.55
343.	Illinois	Consolidate rail tracks and eliminate grade crossings as part of Gateway Intermodal Terminal access project	1.125
344.	Ohio	Replace I-280 bridge over Maumee River, Toledo area	18
345.	Pennsylvania	Eliminate 16 at-grade rail crossings through Erie	8
346.	Arkansas	Construct Geyer Springs RR grade separation, Little Rock	0.75
347.	Wisconsin	Construct Chippewa Falls Bypass	4.5
348.	Kentucky	Correct rock hazard on US127 in Russell County	0.02625
349.	Kentucky	Widen US-27 from Norwood to Eubank	22.5
350.	Virginia	Conduct Williamsburg 2007 transportation study	0.325
351.	Virginia	Construct I-95/State Route 627 interchange in Stafford County	3.8375
352.	Tennessee	Construct Foothills Parkway from Walland to Weans Valley	8.625
353.	Oregon	Upgrade Murray Blvd. inlcuding overpass bridge, Millikan to Terman	3.75
354.	California	Construct San Francisco Regional Intermodal Terminal	9.375
355.	New Hampshire	Construct the Broad Street Parkway in Nashua	12.511
356.	New Hampshire	Construct Conway bypass from Madison to Bartlett	5.325
357.	California	Seismic retrofit of Golden Gate Bridge	0.75
358.	Pennsylvania	Realign Route 501 in Lebanon County	1.2
359.	Maryland	Upgrade US 29 interchange with Randolph Road, Montgomery Co.	9
360.	Utah	Construct I-15 interchange at Atkinville	6
361.	Illinois	Resurface Cicero Ave. between 127th St. and 143rd St., Chicago	0.4575
362.	Pennsylvania	Improve Lewistown Narrows US 322 in Mifflin and Juniata County	40
363.	Florida	Enhance access to Gateway Marketplace through improvements to access roads, Jacksonville	0.9
364.	Indiana	Upgrade 14 warning devices on east/west rail line from Gary to Auburn	1.05
365.	Tennessee	Construct I-40/SR 155 interchange, Davidson	4.2
366.	Tennessee	Construct Crosstown Greenway/Bikeway, Springfield	3.2
367.	Maine	Studies and planning for reconstruction of East-West Highway	3
368.	Florida	Construct Port of Palm Beach road access improvements, Palm Beach County, Florida.	15.75
369.	New Jersey	Reconstruct Essex Street Bridge, Bergen Co.	1.875
370.	Missouri	Relocate and reconstruct Route 21 between Schenk Rd. to Town of DeSoto	30
371.	New York	Improve Route 31 from Baldwinsville to County Route 57	8.8125
372.	Virginia	Upgrade Rt. 600 to facilitate access between I-81 and Mount Rogers National Recreation Area	5
373.	California	Construct I-380 connector between Sneath Lane and San Bruno Ave., San Bruno	2.1
374.	Florida	Construct South Connector Road and Airport Road interchange in Jacksonville, Florida.	6.75
375.	Pennsylvania	Resurface current 219 bypass at Bradford	4.875
376.	Kentucky	Construct Route 259-101 from Brownsville to I-65	0.75
377.	California	Construct interchanges for I-10 in Coachella Valley, Riverside County	2.25
378.	New Mexico	Improve 84/285 between Espanola and Hernandez	4.5
379.	Pennsylvania	Upgrade 2 sections of US-6 in Tioga County	1.125
380.	Wisconsin	Improve Janesville transportation	3
381.	Arkansas	Construct Baseline Road RR grade separation, Little Rock	3.75

No.	State	Project description	[Dollars in Millions]
382.	Virginia	Replace Shore Drive Bridge over Petty Lake, Norfolk	3
383.	Arizona	Replace US-93 Hoover Dam Bridge	10
384.	Michigan	Operational improvements on M-24 from I-75 to the northern Oakland Co. border	0.5
385.	Illinois	Reconstruct US-30, Will County.	6.75
386.	Minnesota	Construct Trunk Highway 610/10 from Trunk Highway 169 in Brooklyn Park to I-94 in Maple Grove	12
387.	Illinois	Extend and reconstruct roadways through industrial corridor in Alton	4.2675
388.	Pennsylvania	Rehabilitate Jefferson Heights Bridge, Penn Hills	1.275
389.	Ohio	Construct Eastern US Rt. 23 bypass of Portsmouth	3.75
390.	Washington	Construct State Route 7 - Elbe rest area and interpretive facility in Pierce County, WA.	0.45
391.	Michigan	Undertake capital improvements to facilitate traffic between Lansing and Detroit	7.5
392.	New Mexico	Reconstruct US-84/US-285 from Santa Fe to Espanola	13.5
393.	Connecticut	Reconstruct Post Office/Town Farm Road in Enfield, Connecticut	1.125
394.	Connecticut	Improve pedestrian and bicycle connections between Union Station and downtown New London	3.39
395.	Pennsylvania	Construct access to Tioga Marine Terminal, Ports of Philadelphia and Camden	1.2
396.	Virginia	Downtown Staunton Streetscape Plan - Phase I in Staunton	0.5
397.	Illinois	Construct Marion Street multi-modal project in Village of Oak Park	1.5
398.	California	Improve and construct I-80 reliever route project; Walters Road and Walters Road Extension Segments	2.35
399.	Texas	Upgrade State Highway 24 from Commerce to State Highway 19 north of Cooper	3.75
400.	Maryland	Construct pedestrian and bicycle path between Druid Hill Park and Penn Station, Baltimore	1.35
401.	California	Upgrade SR 92/El Camino interchange, San Mateo	2.775
402.	Illinois	Improve Sugar Grove US30	1.875
403.	Illinois	Construct Sullivan Road Bridge over the Fox River	7.5
404.	Massachusetts	Construct Packets Landing Enhancement and Restoration Project, Town of Yarmouth	0.75
405.	Michigan	Upgrade I-94 between M-39 and I-96	6
406.	Pennsylvania	Upgrade PA Route 21, Fayette and Greene Counties	5
407.	Indiana	Construct Gary Marina access road (Buffington Harbor)	7.5
408.	Massachusetts	Replace deck of Chain Bridge over Merrimack River	0.759
409.	New Mexico	Improve US-70 southwest of Portales	9
410.	California	Construct grade separation project at Redondo Junction, located in the North end of an Intermodal corridor of economic significance, as defined by California Streets and Highways Code, Division 3, Chapter 4.7 (commencing with the Section 2190), Los Angeles	6.65
411.	Arkansas	Widen West Phoenix Avenue and related improvements in Fort Smith, Arkansas.	6
412.	Minnesota	Upgrade Cross-Range Expressway between Coleraine to CSAH 7	4.5
413.	California	Upgrade CA Rt. 2 Southern Freeway terminus and transportation efficiency improvements to Glendale Boulevard in Los Angeles	12
414.	Massachusetts	Environmental studies, preliminary engineering and design of North-South Connector in Pittsfield to improve access to I-90	1.5
415.	Pennsylvania	Construct streetscape project in the Borough of Ambler, Montgomery County, PA	0.072
416.	Pennsylvania	Construct improvements to the Park Road extension connecting U.S. 222 and U.S. 422, Spring Township	2
417.	New York	FJ&G Rail/Trail Project in Fulton County	0.525
418.	New Jersey	Upgrade Baldwin Ave. intersection to facilitate access to waterfront and ferry, Weehawken	2
419.	Kansas	Widen US-54 from Liberal, Kansas southwest to Oklahoma.	6
420.	Washington	Improve Hillsboro Street/Highway 395 intersection in Pasco	2.6625
421.	Texas	Construct ramp connection between Hammet St. to Highway 54 ramp to provide access to I-10 in El Paso	11
422.	Ohio	Relocate State Route 60 from Zanesville to Dresden, Muskingum County	1.5
423.	Alabama	Construct the Montgomery Outer Loop from US-80 to I-85 via I-65	10.2375
424.	Oklahoma	Reconstruct US-99/SH377 from Prague to Stroud in Lincoln County	4.7
425.	Louisiana	Extend Louisiana Highway 42 between US-61 and I-10 in Ascension Parish	6
426.	Louisiana	Conduct feasibility study, design and construction of connector between Louisiana Highway 16 to I-12 in Livingston Parish	3.75
427.	California	Construct capital improvements along I-680 corridor	2.25
428.	Texas	Relocation of Indiana Avenue between 19th street to North Loop 289 and Quaker Avenue intersection	7.2
429.	Massachusetts	Renovate Union Station Intermodal Transportation Center in Worcester	6.5
430.	Texas	Construct Manchester grade separations in Houston	12
431.	Texas	Construct Titus County West Loop, Mount Pleasant	1.875
432.	New York	Construct County Road 50 in the vicinity of Windsor Avenue.	1.36
433.	California	Construct parking lot, pedestrian bridge and related improvements to improve intermodal transportation in Yorba Linda	1
434.	North Carolina	Widen North Carolina Route 24 from Swansboro to US-70 in Onslow and Carteret Counties	2.25
435.	Minnesota	Construct Mankato South Route in Mankato	5.25
436.	Kentucky and Indiana.	Ohio River Major Investment Study Project, Kentucky and Indiana	40
437.	California	Implement traffic management improvements, Grover Beach	0.375
438.	Louisiana	Extend I-49 from I-220 to Arkansas State line	3.3
439.	Indiana	Construct East 79th from Sunnyside Road to Oaklandon Road in Lawrence	3
440.	Alabama	Construct Decatur Southern Bypass	2
441.	California	Construct tunnel with approaches as part of Devils Slide project in San Mateo Co.	6
442.	Ohio	Improve State Route 800 in Monroe County	0.5
443.	Kentucky	Reconstruct KY-210 from Hodgenville to Morning Star Road, Larue County	6
444.	New York	Construct Route 17-Lowman Crossover in Ashland	3.6
445.	Illinois	Improve roads in the Peoria Park District	0.81
446.	Massachusetts	Reconstruct North Street, Fitchburg	0.75
447.	Massachusetts	Reconstruct Huntington Ave. in Boston	3
448.	California	Undertake safety enhancements along Monterey County Railroad highway grade, Monerey Co.	2.1
449.	Michigan	Construct Bridge Street bridge project in Southfield	3.15
450.	Texas	Construct Concord Road Widening project, Beaumont	7.375
451.	Oregon	Restore the Historic Columbia River Highway including construction of a pedestrian and bicycle path under I-84 at Tanner Creek and restoration of the Tanner Creek and Moffett Creek bridges	2
452.	Ohio	Upgrade I-77/US-250/SR-39 interchange in Tuscarawas County	1
453.	California	Construct Palisades Bluff Stabilization project, Santa Monica	6
454.	New York	Improve the Route 31/I-81 Bridge in Watertown	1.85475
455.	Washington	Improve I-5/196th Street, Southwest Freeway interchange in Lynnwood, Washington.	4.05
456.	Louisiana	Construct the Southern extension of I-49 from Lafayette to the Westbank Expressway	4.125
457.	Kansas	Construct Phase II improvements to US-59 from US-56 to Ottawa	9
458.	Tennessee	Construct US-27 from State Road 61 to Morgan County line	4.125
459.	Maryland	Undertake transportation infrastructure improvements within Baltimore Empowerment Zone	10.975
460.	Kentucky	Construct Kentucky 31E from Bardstowns to Salt River	0.75
461.	Georgia	Construct multi-modal passenger terminal, Atlanta	12
462.	Kentucky	Construct connection between Natcher Bridge and KY-60 east of Owensboro.	2.25
463.	Minnesota	Reconstruct CSAH 48 extension, Brainerd/Baxter	0.24
464.	Kentucky	Complete I-65 upgrade from Elizabethtown to Tennessee State line.	3.75
465.	California	Construct the South Central Los Angeles Exposition Park Intermodal Urban Access Project in Los Angeles	19.5
466.	Pennsylvania	Construct US-30 at PA-772 and PA-41	4.5
467.	Ohio	Upgrade 1 warning device on the rail line from Marion to Ridgeway	0.075
468.	Kentucky	Construct necessary connections for the Taylor Southgate Bridge in Newport and the Clay Wade Bailey Bridge in Covington	7.125
469.	Maine	Replace Singing Bridge across Taunton Bay	0.75
470.	California	Upgrade Price Canyon Road including construction of bikeway between San Luis Obispo and Pismo Beach	0.825
471.	Illinois	Extend South 74th Street, Belleville	0.375
472.	New Hampshire	Reconstruct US-3 Carroll town line 2.1 miles north	1.786
473.	Minnesota	Upgrade 77th St. between I-35W and 24th Ave. to four lanes in Richfield	17.1
474.	New Jersey	Relocate and complete construction of new multi-modal facility, Weehawken	12
475.	New Jersey	Construct Route 4/17 interchange in Paramus	6.375
476.	Louisiana	Expand Perkins Road in Baton Rouge	6.15
477.	New Jersey	Revitalize Route 130 from Cinnaminson to Willingboro	3
478.	Arkansas	Construct Highway 371 from Magnolia to Prescott	2.375
479.	Mississippi	Upgrade Alva-Stage Rd., Montgomery Co.	1.125
480.	California	Construct pedestrian promenade, Pismo Beach	0.15
481.	California	Construct railroad at-grade crossings, San Leandro	0.375
482.	Ohio	Construct highway-rail grade separations on Heisley Road between Hendricks Road and Jackson Street in Mentor	6.205
483.	Illinois	Design and construct US-67 corridor from Jacksonville to Beardstown	10
484.	California	Construct VC Campus Parkway Loop System in Merced	11
485.	Texas	Construct highway-rail-marine intermodal project, Corpus Christi	8.25
486.	Pennsylvania	Construct US-322 Conchester Highway between US-1 and PA-452	18.75
487.	Pennsylvania	Construct Rt. 819/Rt. 119 interchange between Mt. Pleasant and Scottdale	6.9
488.	Illinois	Upgrade Western Ave., Park Forest	0.0945
489.	Oregon	Relocate and rebuild intersection of Highway 101 and Highway 105, Clatsop Co.	1.2
490.	Ohio	Upgrade Western Reserve Road, Mahoning Co.	2.4

No.	State	Project description	[Dollars in Millions]
491.	California	Construct Nogales Street at Railroad Street grade separation in Los Angeles County, California.	6.5
492.	Nebraska	Construct South Beltway in Lincoln	4.125
493.	Michigan	Acquire right-of-way and construct M-6 Grand Rapids South Beltline in Grand Rapids, Michigan.	18.72
494.	New York	Replace Route 92 Limestone Creek Bridge in Manlius	3
495.	Pennsylvania	Extend Martin Luther King, Jr. East Busway to link with Mon-Fayette Expressway	4.5
496.	New York	Construct Furrows Road from Patchogue/Holbrook Road to Waverly Avenue in Islip	1.2
497.	New Jersey	Construct East Windsor Bear Brook pathway system	0.27
498.	Texas	Widen State Highway 6 from FM521 to Brazoria County line and construct railroad overpass	9.15
499.	California	Construct I-10/Pepper Ave. Interchange	6.6
500.	New York	Construct access road and entranceway improvments to airport in Niagara Falls	2.25
501.	Minnesota	Replace Sauk Rapids Bridge over Mississippi River, Stearns and Benton Counties	7.725
502.	North Carolina	Upgrade I-85, Mecklenburg and Cabarrus Counties	19.5
503.	Oklahoma	Reconstruct County Road 237 from Indiahoma to Wichita Mountains Wildlife Refuge	0.1875
504.	Illinois	Construct Towanda-Barnes Road in Mclean County	5.82
505.	Pennsylvania	Widen and signalize Sumneytown Pike and Forty Foot Road in Montgomery County, Pennsylvania.	3.87
506.	Rhode Island	Construct Rhode Island Greenways and Bikeways projects with the amount provided $4,275,000 for the Washington Secondary Bikepath, and $1,575,000 for the South County Bikepath Phase 2	5.85
507.	Mississippi	Widen US-61 from Louisiana State line to Adams County	0.6875
508.	Georgia	Conduct a study of a mutimodal transportation corridor from Lawrenceville to Marietta	1.8
509.	Missouri	Construct Jefferson Ave. viaduct over Mill Creek Valley in St. Louis	8.25
510.	New York	Conduct extended needs study for the Tappan Zee Bridge	3
511.	Pennsylvania	Improve Park Avenue/PA 36 in Blair County	0.45
512.	Texas	Construct the George H.W. Bush Presidential Corridor from Bryan to east to I-45	7.5
513.	New Mexico	Improve Uptown in Bernalillo County	1.025
514.	Arkansas	Upgrade U.S. 65 in Faulkner and Van Buren Counties	3
515.	South Carolina	Construct high priority surface transportation projects eligible for Federal-aid highway funds.	5.5
516.	Mississippi	Construct Lincoln Road extension, Lamar Co.	1.125
517.	Alaska	Construct Pt. Mackenzie Intermodal Facility	6.75
518.	Florida	Purchase and install I-275 traffic management system in Pinellas County, Florida.	0.75
519.	Illinois	Construct US Route 67 bypass project around Roseville	8.775
520.	Massachusetts	Upgrade I-495 interchange 17 and related improvements inlcuding along Route 140	10.86
521.	Mississippi	Construct segment 2 and 3 of the Bryam-Clinton Corridor in Hinds County	0.6875
522.	New Jersey	Rehabilitate East Ridgewood Avenue over Roue 17 in Bergan County	2.7
523.	Michigan	Construct interchange at US-10/Bay City Road in Midland	3
524.	North Carolina	Construct US Route 17, Elizabeth City Bypass	3.375
525.	Virginia	Smart Road connecting Blacksburg, VA, to I-81	1.025
526.	Oregon	Construct passing lanes on Highway 58 between Kitson Ridge Road and Mile Post 47, Lane Co.	4.5
527.	Kansas	Construct grade separations on US36 and US77 in Marysville, Kansas.	3.15
528.	Virginia	Upgrade Route 501 in the counties of Bedford, Halifax, and Campbell	0.75
529.	Pennsylvania	Construct Robinson Town Centre intermodal facility	2.025
530.	Nevada	Construct the US-395 Carson City Bypass	3.75
531.	Indiana	Feasibility study of State Road 37 improvements in Noblesville, Elwood and Marion	0.45
532.	Pennsylvania	Construct Newton Hamilton SR 3021 over Juniata River in Mifflin County	1.5
533.	Pennsylvania	Reconstruct PA-309 in Eastern Montgomery with $4,000,000 for noise abatement	15.588
534.	Alabama	Upgrade Opoto-Madrid Blvd., Birmingham	1.05
535.	Virginia	Conduct feasibility study for the construction I-66 from Lynchburg to the West Virginia border	0.5
536.	California	Rehabilitate pavement throughout Santa Barbara Co.	1.125
537.	Illinois	Design and construct I-72/MacArthur Boulevard interchange in Springfield	4.12525
538.	Illinois	Improve Constitution Avenue in Peoria	2.6625
539.	Michigan	Upgrade East Jordon Road, Boyne City	0.3
540.	Georgia	Construct noise barriers along GA-400	1.5
541.	Florida	Construct North East Dade Bike Path in North Miami Beach, Florida.	1.2
542.	Connecticut	Realign and extend Hart Street in New Britain	3
543.	Oregon	Construct roundabout at intersection of Highway 101 and Highway 202, Clatsop Co.	0.3
544.	New York	Replace Route 28 bridge over NY State Thruway, Ulster Co.	2.4
545.	California	Extend State Route 7 in Imperial County	6
546.	Texas	Construct FM2234(McHard Road) from SH-35 to Beltway 8 at Monroe Boulevard	4.8
547.	Dist. of Col.	Enhance recreational facilities along Rock Creek Parkway	0.04775
548.	California	Construct SR-78/Rancho Del Oro interchange in Oceanside	3.75
549.	Michigan	Upgrade M.L. King Drive. Genesee Co.	1
550.	California	Reconstruct Grand Avenue between Elm Street and Halcyon Road, Arroyo Grande	0.375
551.	Pennsylvania	Improve PA-41 between Delaware State line and PA-926	5
552.	California	Construct Los Angeles County Gateway Cities NHS Access	6.6
553.	Michigan	Upgrade H-58 within Pictured Rocks National Lakeshore	4.2
554.	Dist. of Col.	Rehabilitate Theodore Roosevelt Memorial Bridge	7.5
555.	Ohio	Undertake improvements to open Federal Street to traffic, Youngstown	2.08
556.	Pennsylvania	Improve PA 16 including intersection with Antrim Church Road	1
557.	Ohio	Construct State Route 209 from Cambridge and Byesville to the Guernsey County Industrial Park	2.2
558.	California	Construct Port of Oakland intermodal terminal	6
559.	New York	Construct Wellwood Avenue from Freemont Street to Montauk Highway in Lindenhurst	1.2
560.	Louisiana	Construct Louisiana Highway 1 from the Gulf of Mexico to US-90	0.5625
561.	Mississippi	Refurbish Satartia Bridge, Yazoo City	0.375
562.	North Carolina	Construct bridge over Chockoyotte Creek in Halifex Co.	1.35
563.	Pennsylvania	Widen PA-413 in Bucks County	5.625
564.	North Carolina	Construct US-13 from the Wilson the US-264 Bypass to Goldsboro in Wayne and Wilson Counties	2.625
565.	Pennsylvania	Construct Erie Eastside Connector	16.2
566.	California	Construct Prunedale Bypass segment of U.S. 101, Monerey Co.	1.65
567.	New York	Construct access road from Lake Avenue to Milestrip Road in Blasdell	0.24
568.	California	Construct State Route 905 between I-805 and the Otay Mesa Border Crossing, San Diego Co.	16
569.	Mississippi	Build an interchange at I–55 with connectors to Madison and Ridgeland	2.25
570.	Minnesota	Trunk Highway 53 DWP railroad bridge replacement, St. Louis Co.	3.6
571.	Texas	Construct US 77/83 Expressway extension, Brownsville	2.25
572.	New York	Upgrade and relocate Utica-Rome Expressway in Oneida County, New York.	14
573.	Pennsylvania	West Philadelphia congestion mitigation initiative	0.369
574.	Utah	Construct Phase II of the University Avenue Interchange in Provo	7.5
575.	California	Upgrade Osgood Road between Washington Blvd. and South Grimmer Blvd., Freemont	1.5
576.	Missouri	Bull Shoals Lake Ferry in Taney County, Missouri.	0.52275
577.	Alaska	Construct capital improvements to the Alaska Marine Highway and related facilities in Ketchikan	2.25
578.	Maine	Improve Route 23	0.375
579.	Tennessee	Construct U.S. 45 bypass, Madison Co.	1.5
580.	New York	Construct pedestrian access bridge from Utica Union Station	0.25
581.	Michigan	Upgrade Groveland Mine Road, Dickinson	0.375
582.	New York	Reconstruct Route 9 in Plattsburgh	2.5155
583.	Mississippi	Upgrade Goose Pond Subdivision Roads, Tallahatchie Co.	0.15
584.	Michigan	Construct US-131 Cadillac Bypass project	2.25
585.	Pennsylvania	Construct Lawrenceville Industrial Access Road	7.5
586.	Massachusetts	Construct Housatonic-Hoosic bicycle network	3
587.	Connecticut	Construct the US Rt. 7 bypass project, Brookfield to New Milford town line	3.75
588.	New Jersey	Construct road from the Military Ocean Terminal to the Port Jersey Pier, Bayonne	2.5
589.	Oregon	Repair Coos Bay rail bridge, Port of Coos Bay	5.5
590.	Minnesota	Complete construction of Forest Highway 11, Lake Co.	3.75
591.	Pennsylvania	Construct rail mitigation and improvement projects from Philadelphia to New Jersey Line	10
592.	Louisiana	Upgrade Lapalco Blvd. between Barataria Blvd. and US Hwy. 90, Jefferson Parish	6
593.	Pennsylvania	Widen PA-228 from Criders Corners to State Route 3015	0.9
594.	Pennsylvania	Improve PA-23 Corridor from US-30 Bypass between Lancaster County line and Morgantown	2.5
595.	Pennsylvania	Widen SR-247 and SR-2008 between 84 and Lackawanna Valley Industrial Highway for the Moosic Mountain Business Park	8.175
596.	Massachusetts	Construct Nowottuck-Manhan Bike Trail connections, Easthampton, Amherst, Holyoke, Williamsburg and Northampton	3
597.	Texas	Reconstruct bridges across the channel for the Port of Corpus Christi	4
598.	Minnesota	Construct TH 1 east of Northome including bicycle/pedestrian trail	0.18
599.	Alabama	Construct US-231/I-10 Freeway Connector from the Alabama border to Dothan	1.0125
600.	New York	Construct CR-3 at Southern State Parkway overpass between Long Island Expressway and Colonial Springs	1.12
601.	Massachusetts	Construct improvements along Route 18 to provide for access to waterfront and downtown areas, New Bedford	12

No.	State	Project description	[Dollars in Millions]
602.	Pennsylvania	Construct road connector and bridge over Allegheny River to link New Kensington with Allegheny Valley Expressway	3.75
603.	Michigan	Replace Chalk Hills Bridge over Menominee River	0.3
604.	Utah	Improve 5600 West Highway from 2100 South to 4100 South in West Valley City	3.75
605.	Pennsylvania	Construct Lackawanna River Heritage Trail in Lackawanna	0.375
606.	South Carolina	Widen and relocate SC-6 in Lexington County	6
607.	New York	Construct sound barriers on both sides of Grand Central Parkway between 172nd Street to Chevy Chase Road	1.455
608.	Connecticut	Improve Route 7 utility and landscaping in New Milford	5.4
609.	New York	Conduct North Road Corridor study in Oswego County	1.125
610.	Arkansas	Upgrade US Route 412, Harrison to Mountain Home, Arkansas	2.6625
611.	New York	Construct full access controlled expressway along NY Route 17 at Parkville, Sullivan Co.	4.5
612.	Florida	Construct Englewood Interstate connector from River Road to I-75 in Sarasota and Charlotte Counties	5.5
613.	Minnesota	Reconstruct St. Louis CSAH 9 (Wallace Avenue) in Duluth from Fourth Street to Woodland Avenue.	0.45
614.	New Jersey	Design, construct, and expand industrial Roads connecting Carteret with Woodbridge, and Route 35 with Perth Amboy for increased truck traffic which will ease delays and traffic at Turnpike Exit 12 and Route 35 underpass east	3
615.	Virginia	Construct the Kemper Street Station connector road in Lynchburg	1.5
616.	Iowa	Improve IA-60 Corridor from LeMar to MN State line	6.6
617.	Michigan	Operation improvements on M-15 from I-75 north to the Genesee County line	0.5
618.	Virginia	Upgrade Danville Bypass in Pittsylvania	3
619.	Nebraska	Corridor study for Louisville South bypass from State Highway 66 to State Highway 50	0.075
620.	Arkansas	Study and construct Van Buren intermodal port facility in Van Buren, Arkansas	0.225
621.	Alabama	Extend I-759 in Etowah County	13.5
622.	North Carolina	Widen US-421 from North Carolina Route 194 to two miles East of US-221	3.55
623.	New York	Reconstruct Ridge Road Bridge in Orange County	0.16
624.	South Carolina	Construct North Charleston Regional Intermodal Center	3
625.	Florida	Upgrade U.S. 319 between Four Points and Oak Ridge Road, Tallahasee	3.75
626.	Ohio	Complete safety/bicycle path in Madison Township	0.03
627.	Arkansas	Conduct design study and acquire right of way on US-71 in the vicinity of Fort Chaffee, Fort Smith	3.75
628.	Mississippi	Construct East Metro Corridor in Rankin County, Mississippi.	2.625
629.	Wyoming	Reconstruct Cheyenne Area Norris Viaduct	3.5
630.	New York	Design and construct Outer Harbor Bridge in Buffalo.	6.06
631.	Pennsylvania	St. Thomas Signals Hade and Jack Rds US 30 in Franklin County	0.15
632.	Texas	Upgrade State Highway 35 Yoakum District in Matagorda and Buazovia Counties	6.91
633.	Minnesota	Construct highway construction between Highway 494 and Carver Co. Rd. 147	3
634.	Utah	Widen 106th South from I-15 to Bangerter Highway in South Jordan	4.5
635.	Florida	Construct pedestrian overpass from the Florida National Scenic Trail over I-4	1.875
636.	Illinois	Extend Rogers Street to mitigate congestion, Waterloo	1.425
637.	New York	Reconstruct and widen Route 78 from I-90 to Route 15	4
638.	Ohio	Improve Alum Creek Drive from I-270 to Frebis Avenue in Franklin County	4
639.	Louisiana	Upgrade and widen I-10 between Williams Boulevard and Tulane Avenue in Jefferson and Orleans Parishes	8
640.	Michigan	Improve I-94 in Kalamazoo County	3.75
641.	Pennsylvania	Improve PA-8 between Cherry Tree and Rynd Farm	4.8
642.	Washington	Construct passenger ferry facility to serve Southworth, Seattle	3.75
643.	Pennsylvania	Realign West 38th Street from Shunpike Road to Myrtle Street in Erie County	5.4
644.	Ohio	Replace Jacobs Road Bridge, Mahoning Co.	2
645.	Massachusetts	Upgrade Lowell Street between Woburn Street and Route 38, Town of Wilmington	1.08
646.	Oklahoma	Improve Battiest-Pickens Road between Battiest and Pickens in McCurtain County	1.6
647.	Indiana	Improve State Road 31 in Columbus	0.375
648.	Oregon	Construct bike path along Willamette River, Corvallis	0.8
649.	New York	Reconstruct Flushing Avenue between Humboldt Street and Cypress Avenue	3.75
650.	Missouri	Construct bike/pedestrian path between Delmar Metrolink Station and University City loop business district in St. Louis	0.6
651.	Wisconsin	Construct U.S. Highway 151 Fond du Lac Bypass	22.5
652.	Illinois	Upgrade U.S. 45 between Eldorado and Harrisburg	10.2
653.	Pennsylvania	Improve US 22/Canoe Creek Blair County	1.5
654.	California	Reconstruct and widen Mission Road, Alhambra	2.4375
655.	West Virginia	Construct safety improvements on Route 82 (Fayette Station Road), Fayette County	1
656.	Ohio	Widen and reconstruct State Route 82 from Lorain/Cuyahoga County line to I.R. 77.	7
657.	Michigan	Facilitate access between I-75 and Soo Locks through road reconstruction, bikepath construction and related improvements, Sault Ste. Marie	0.375
658.	Kentucky	Construct Savage-Cedar Knob Bridge at Koger Creek	0.2625
659.	New York	Construct intermodal facility in New Rochelle, Westchester Co.	6.438
660.	Virgin Islands	Upgrade West-East corridor through Charlotte Amalie	6
661.	Ohio	Upgrade SR 800 rest stop in Monroe County	0.04
662.	Michigan	Improve the I-73 corridor in Jackson and Lenawee Counties	3.9375
663.	Nevada	Widen I-50 between Fallon and Fernley	3
664.	California	Improve and modify the Port of Hueneme Intermodal Corridor - Phase II in Ventura County	16.8
665.	Louisiana	Construct and equip Transportation Technology and Emergency Preparedness Center in Baton Rouge, Louisiana.	5.4
666.	Michigan	Rehabilitate Lincoln St., Negaunee	0.1275
667.	Missouri	Construction US-67/Route 60 interchange in Popular Bluff, Missouri.	6
668.	New York	Upgrade Riverside Drive between 97th St. and Tiemann, New York City	1.5
669.	New York	Capital improvements for the Red Hook Barge in NY/NJ for the Port Authority of NY/NJ	3
670.	Maryland	Upgrade US-113 north of US-50 to MD-589 in Worcester County, Maryland	18
671.	Rhode Island	Implement transportation alternative relating to Court Street Bridge, Woonsocket	0.15
672.	Pennsylvania	Construct Frazier Township interchange on SR-28 in Alleghany	2.25
673.	California	Rehabilitate Artesia Blvd.	3
674.	Illinois	Undertake access improvements to U.S. Rt. 41, Chicago	2.8125
675.	Colorado	Construct Wadsworth Boulevard improvement project in Arvada	0.25
676.	Indiana	Construct I-70/Six Points interchange in Marion and Hendricks County	14.9625
677.	Alabama	Construct repairs to viaducts connecting downtown and midtown areas, Birmingham	0.45
678.	Illinois	Construct VFW Road/Veteran's Drive from Townline Road to Broadway Road in Pekin, Illinois	3.69675
679.	Pennsylvania	Design, engineer, ROW acquisition and construct the Wilkes-Barre/Scranton International Airport Access Road between Route 315 and Commerce Blvd.	1.5
680.	Dist. of Col.	Construct bicycle and pedestrian walkway (Metropolitan Branch Trail), Union Station to Silver Spring	8.5
681.	New Jersey	Construct interchange improvements and flyover ramps at I-80W to Route 23N in Passaic Co.	8.5
682.	Washington	Undertake SR 166 slide repair	4.875
683.	Connecticut	Reconstruct Broad Street in New Britain	2.4
684.	Massachusetts	Reconstruct Route 126 and replace bridge spanning Route 9, Town of Framingham	3.525
685.	New Mexico	Extend Unser Boulevard in Albuquerque	0.65
686.	Massachusetts	Implement Phase II of unified signage system, Essex Co.	0.29325
687.	New Hampshire	Construct Manchester Airport access road in Manchester	8.025
688.	Pennsylvania	Improve US 22/PA 866 Intersection in Blair County	1.5
689.	California	Improve Rancho Sante Fe Road in Carlsbad	2.25
690.	New York	Renovate State Route 9 in Phillipstown	3.84
691.	Florida	Construct Greater Orlando Aviation Authority Consolidated Surface Access in Orlando	1.00575
692.	Missouri	Upgrade Route 169 between Smithville and north of I-435, Clay Co.	5
693.	Virginia	Rennovate Greater Richmond Transit transportation facility, Richmond	3.75
694.	Texas	Conduct feasability study on upgrading SH 16 in South Texas.	0.1875
695.	Florida	Construct interchange at 21st Street to provide access to Talleyrand Marine Terminal	9.475
696.	Pennsylvania	Gettysburg comprehensive road improvement study	3
697.	South Dakota	Construct Eastern Dakota expressways, to include construction of four lane highways for South Dakota Highway 37 between Huron and Mitchell; U.S. Highway 83 between Pierre and I-90; and U.S. Highway 12 between Aberdeen and I-29.	34.804
698.	West Virginia	Construct Shawnee Parkway between junction with the I-73/74 Corridor and I-77	3.75
699.	Texas	Construct State Highway 121 from I-30 to US-67 in Cleburne	25
700.	Ohio	Improve and construct SR-44/Jackson Street Interchange in Painesville	2
701.	California	Construct four-lane highway facility (Hollister Bypass), San Benito Co.	2.25
702.	Florida	Construct I-4 reversible safety lane in Orlando	10.5
703.	Ohio	Relocate Harrison/Belmont US 250	2
704.	Illinois	Widen 143rd Street in Orland Park	4
705.	Tennessee	Implement middle Tennessee alternative transportation system along the Stones River in Murfreesboro	9.5
706.	Florida	Construct County Road 470 Interchange with Florida Turnpike	6
707.	California	Implement safety and congestion mitigation improvements along Pacific Coast Highway, Malibu	0.65
708.	Dist. of Col.	Conduct studies and related activities pertaining to proposed intermodal transportation Center, D.C.	0.75
709.	New Jersey	Construct Route 31 Fleming Bypass in Hunterdon County, New Jersey.	11.55

No.	State	Project description	[Dollars in Millions]
710.	Massachusetts	Construct TeleCom Boulevard with access via Commercial Street and Corporation Way to the west of Malden River and with access via Santilli Highway to the east of the river in Everett, Medord and Malden	5.25
711.	Pennsylvania	Improve access to Raystown in Huntingdon County	1.125
712.	Illinois	Study upgrading Illinois 13/127 between Murphysboro and Pinckneyville	1.575
713.	Michigan	Widen Arch St., Negaunee	0.06
714.	Georgia	Widen US-84 South from US-82 to the Ware County Line in Waycross and Ware Counties	2.4
715.	Michigan	Improve drainage on 6th Street in Menominee	0.1125
716.	Massachusetts	Replace Brightman Street bridge in Fall River	7.23
717.	Kentucky	Construct Newton Pike Extension between West Main St. to South Limestone in Lexington	6
718.	South Carolina	Construct pedestrian walkway and safety improvements along SC 277, Richland Co.	0.8
719.	Illinois	Conduct Midwest Regional intermodal facility feasibility study in Rochelle	0.3
720.	Pennsylvania	Reconfigure I-81 Exit 2 Ramp in Franklin County	0.525
721.	Virginia	Planning and design for Coalfields Expressway, Buchanan, Dickenson and Wise Counties	1
722.	Virginia	Construct the Lynchburg/Madison Heights bypass in Lynchburg	1.5
723.	Massachusetts	Construct Cambridge Roadways Improvement project, Cambridge	2.25
724.	Connecticut	Construct I-95 interchange, New Haven	19.5
725.	Pennsylvania	Conduct study and construct Ft. Washington transportation improvements, Upper Dublin, PA.	0.45
726.	Michigan	Reconstruct I-75/M-57 interchange	10.5
727.	Minnesota	Construct railroad crossing connecting University of MN with City of Crookston	0.15
728.	Massachusetts	Construct bicyle and pedestrian facility (The Riverwalk), Peabody	1.08
729.	Pennsylvania	Upgrade PA 61 between PA 895 and SR 2014, Schuylkill Co.	5
730.	Tennessee	Construct SR22 Bypass, Obion Co.	7.5
731.	California	Improve streets and highways, and/or construct sound walls, Thousand Oaks	1.25
732.	New York	Complete engineering, design, environment reviews and other preliminary work for the Miller Highway relocation project in New York	6
733.	Michigan	Construct M-5 Haggerty Connector	2.4
734.	Pennsylvania	Improve Sidling Hill Curve and Truck Escape in Fulton County	0.375
735.	Texas	Construct circumferential freeway loop around Texarkana	7.425
736.	Massachusetts	Reconstruct Route 2/Jackson Road interchange, Lancaster	2.7
737.	Washington	Improve Clinton Ferry Terminal	3.5
738.	California	Upgrade Bristol St., Santa Ana	5.25
739.	Pennsylvania	Construct US-30 Bypass from Exton Bypass to PA-10	3
740.	Maine	Rehabilitate Piscataqua River bridges, Kittery	3.9375
741.	California	Construct extension of State Route 180 between Rt. 99 and the Hughes/West Diagonal	6
742.	California	Construct Ocean Boulevard and Terminal Island Freeway interchange in Long Beach, California.	15
743.	Nevada	Extend I-580 in Washie and Douglas Counties	3.75
744.	Massachusetts	Preliminary design of Route 2 connector to downtown Fitchburg	1.5
745.	Illinois	Improve and construct grade separation on Cockrell Lane in Springfield	1.8
746.	Virginia	Aquire land and construct segment of Daniel Boone Heritage Trail (Kane Gap section), Jefferson National Forest	0.5
747.	Virginia	Construct Route 288 in the Richmond Metropolitan Area	18.75
748.	New York	Construct congestion mitigation project for Brookhaven	3.75
749.	Ohio	Construct Licking-Thornwood Connector in Licking County	1.5
750.	Louisiana	Construct Florida Expressway in St. Bernard and Orleans Parishes	0.15
751.	Georgia	Construct North River Causeway and Bridge, St. Mary's County	2.175
752.	Missouri	Upgrade Eastern Jackson County, Jackson Co.	4.5
753.	Texas	Conduct MIS for Multimodal Downtown Improvement Project, San Antonio	0.75
754.	Kansas	Construct road and rail grade separations in Wichita	26.25
755.	Florida	Construct Cross Seminole Trail connection in Seminole County	1.125
756.	Oregon	Upgrade I-5/Highway 217 interchange, Portland	5.25
757.	Ohio	Construct St. Clairsville Bike Path in Belmont County	0.5
758.	South Carolina	Widen North Main Street, Columbia	9
759.	Hawaii	Upgrade Puuloa Road between Kamehameha Highway and Salt Lake Blvd.	6.75
760.	Alabama	Construct new I-10 bridge over the Mobile River in Mobile, Alabama.	10.78125
761.	Alaska	Construct Coffman Cove ferryboat	2.25
762.	Ohio	Upgrade US-30 from Wooster to Riceland	22.5
763.	Missouri	Replace bridge on Route 92, Platte Co.	1
764.	Maryland	Reconstruct segment of Baltimore Beltway between U.S. 1 and I-70	6.75
765.	Minnesota	Construct Gunflint Realignment project, Grand Marais	0.6
766.	Colorado	Construct alternative truck route in Montrose	4.2
767.	Pennsylvania	Improve I-95/PA-413 Interchange in Bucks County	5.625
768.	Hawaii	Construct improvements to H-1 between the Waiawa interchange and the Halawa interchange	15
769.	California	Construct new I-95 interchange with Highway 99W, Tehama Co.	2.2
770.	Florida	Widen US-17/92 in Volusia County	1.35
771.	South Carolina	Construct I-77/SC #S-20-30 interchange, Fairfield Co.	5.25
772.	Illinois	Construct access road to Melvin Price Locks and Dam Visitors Center, Madison Co.	1.125
773.	Washington	Reconstruct I-5 interchange, City of Lacy	1.125
774.	Maryland	Construct improvements a I-270/MD-187 interchange	5.5
775.	Alabama	Construct Finley Ave. Extension East project	2.925
776.	Connecticut	Construct Greenmanville Ave. streetscape extension, including feasibility study, in towns of Groton, Stonington and Mystic	6.3
777.	Alabama	Construct Anniston Eastern Bypass from I-20 to Fort McClellan in Calhoun County	40.14
778.	Louisiana	Construct Causeway Boulevard/Earhart Expressway interchange in Jefferson, Parish, Louisiana.	4
779.	California	Create recreational trails in Santa Monica Mountains National Recreation Area	6
780.	Georgia	Widen and reconstruct Corder Road from Pineview Drive to the Russell Parkway	2.55
781.	Massachusetts	Construct Hyannis Intermodal Transportation Center, Hyannis	2.4
782.	Oregon	Construct South Rivergate rail overcrossing in Portland	11
783.	Arkansas	Improve Arkansas State Highway 59 from Rena Road to Old Uniontown Road in Van Buren	1.875
784.	Rhode Island	Reconstruct Pawtucket Ave. and Wilcott St., Pawtucket	1.125
785.	New Hampshire	Improve the Bridge Street bridge in Plymouth	1.036
786.	Louisiana	Install computer signal synchronization system in Baton Rouge	4.875
787.	Pennsylvania	Improve Oxford Valley Road/US-1 interchange in Bucks County	1.5
788.	Pennsylvania	Construct US-6 Tunkhannock Bypass in Wyoming County	1.8
789.	Florida	Construct US17/92 and SR-436 interchange in Orange/Osceola/Seminole County region	2.0625
790.	North Carolina	Upgrade US 13/NC11 (including Bethel bypass) in Pitt and Edgecombe Counties	3.375
791.	Massachusetts	Conduct planning and engineering for connector route between I-95 and industrial/business park, Attleboro	0.8
792.	Virginia	Construct I-73 from Roanoke to the North Carolina border	6
793.	California	Upgrade Route 4 West in Contra Costa Co.	7.5
794.	Florida	Construct I-4/John Young Parkway interchange project in Orlando	10.24425
795.	Pennsylvania	Construct US-202 Section 600 Phase I Early Action project in Upper Gwynedd and Lower Gwynedd	4.5
796.	Alabama	Construct Historic Whistler Bike Trail in Prichard, Alabama	0.5025
797.	Missouri	Upgrade Route 6 between I-29 and Route AC, St. Joseph	5
798.	Iowa	Conduct study of Port of Des Moines, Des Moines	0.075
799.	California	Improve State Route 57 interchange at Lambert Road in Brea	0.985
800.	Pennsylvania	Improve ramp junctions at intersection of S.R. 114 and Interstate 83, Fairview Township	3
801.	Mississippi	Upgrade Land Fill Road, Panola Co.	0.75
802.	California	Construct bike path between Sepulveda Basin Recreation Area and Warner Center/Canoga Park, Los Angeles	1.873
803.	Wisconsin	Upgrade U.S. 51 Tomahark Bypass	3.75
804.	North Carolina	Construct segment of Raleigh Outer Loop, Wake Co.	2.025
805.	Michigan	Conduct feasibility study on widening US-12 to three lanes between US-127 and Michigan Highway 50.	0.1875
806.	California	Widen US-101 from Windsor to Arata Interchange	1.1
807.	Oregon	Upgrade access road and related facilities to Port of Port Orford	1.5
808.	Pennsylvania	Allegheny Trail from Pittsburgh, Pennsylvania to Cumberland, Maryland	6
809.	Texas	Improve I-35 West from Spur 280 to I-820 in Fort Worth	3
810.	Michigan	Reconstruct Co.Rd. 612 and Co.Rd. 491, Montmorency Co.	0.6825
811.	California	Improve Folsom Boulevard - Highway 50 in the city of Folsom	4.275
812.	Illinois	Improve Illinois Route 29 in Sangamon and Christian Counties	1.725
813.	Tennessee	Upgrade SR 386 between US 31 to the Gallatin Bypass, Sumner Co.	1.06
814.	Washington	Improve primary truck access route on East Marine View Drive, FAST corridor in Washington.	4.9
815.	Minnesota	Construct grade separated interchange at south junction of TH 371/Brainerd bypass	0.75
816.	California	Upgrade Greenville Rd. and construct railroad underpass, Livermore	5.1
817.	Washington	Construct State Route 305 corridor improvements in Poulsbo, Washington.	3.15
818.	Tennessee	Widen US-321 from Kinzel Springs to Wean Valley Road	6.825
819.	Iowa	Construct the Julien Dubuque Bridge over the Mississippi River at Dubuque	21
820.	Michigan	Conduct preliminary engineering, acquire right-of-way and construct I-75/North Down River Road interchange	1.125

No.	State	Project description	[Dollars in Millions]
821.	Virginia	Conduct historic restoration of Roanoke Passanger Station in Roanoke	0.5
822.	New York	Undertake Linden Place reconstruction project, Queens	5.25
823.	Illinois	Reconstruct interchange at I-294, 127th St. and Cicero Ave. with new ramps to the Tri-State Tollway, Alsip	23.495
824.	Louisiana	Improve US-165 from Alexandria to Monroe	30
825.	Pennsylvania	Construct Western Innerloop from PA-26 to State Route 3014	2.7
826.	Alaska	Improve Dalton Highway	3.75
827.	Pennsylvania	Relocate US-219 Ridgeway, Pennsylvania, truck bypass connector along Osterhout Street	3.75
828.	Mississippi	Widen State Route 24 from Liberty to I-55	0.6875
829.	California	Widen I-15 in San Bernardino County, California.	18
830.	Virginia	Complete North Section of Fairfax County Parkway in Fairfax County, Virginia.	7.5
831.	New York	Rehabilitate segment of Henry Hudson Parkway between Washington Bridge and Dyckman St., New York City	1.5
832.	Iowa	Relocate IA-192 and Avenue G viaduct in Council Bluffs	4.5
833.	Pennsylvania	Improve T-344 Bridge over Mahantango Creek in Snyder County	0.525
834.	California	Construct Phase 3 of Alameda Street project, Los Angeles	2.5
835.	Texas	Construct Texas State Highway 49 between FM 1735 to Titus/Morris Co. line	4.8
836.	Virginia	Construct access road and related facilities for Fisher Peak Mountain Music Interpretive Center on Blue Ridge Parkway	2.7
837.	Michigan	Construct grade separation on Sheldon Road, Plymouth	5.25
838.	Michigan	Upgrade Three Mile Road, Grand Traverse	0.75
839.	Ohio	Relocate SR-30 for final design of south alternative in Carroll County, Ohio	1
840.	Tennessee	Improve State Road 60 from Waterville to US-64 in Bradley County	1.2
841.	Washington	Construct 192nd Street from Sr-14 to SE 15th	3.75
842.	Wisconsin	Reconstruct U.S. Highway 10, Waupaca County	9
843.	Minnesota	Upgrade Highway 73 from 4.5 miles north of Floodwood to 22.5 miles north of Floodwood	2.775
844.	New York	Reconstruct Mamaroneck Ave., White Plains, Harrison and Mamaroneck	4.375
845.	Pennsylvania	Reconfigure Pennsylvania Turnpike/Route 13 interchange	0.375
846.	Pennsylvania	Widen and improve Route 449 in Potter County	0.75
847.	Puerto Rico	Upgrade PR 3 between Rio Grande and Fajardo	6
848.	Illinois	Constuct Peoria City River Center parking facility in Peoria	3
849.	New Jersey	Consrtuct Route29/129 bicycle, pedestrian and landscape improvement plan	4.125
850.	Tennessee	Upgrade Briley Parkway between McGavock Pike and I-65	4.2
851.	Connecticut	Widen Route 4 in Torrington	2.1
852.	California	Widen 5th Street and replace 5th Street bridge in Highland, California.	0.75
853.	Wisconsin	Construct U.S. Highway 10, Freemont to Appleton	3
854.	Missouri	Upgrade US-71 interchange in Carthage, Missouri.	0.75
855.	New York	Construct Fordham University regional transportation facility	1.75
856.	Missouri	Upgrade US-63 in Howell County, Missouri.	6
857.	Alabama	Construct East Foley corridor project from Baldwin County Highway 20 to State Highway 59 in Alabama.	5.25
858.	New York	Reconstruct Washington County covered bridge project	1.7
859.	California	Upgrade Route 4 East in Contra Costa Co.	8.5
860.	Pennsylvania	Complete Broad Street ramps at Route 611 bypass in Bucks County	1.6725
861.	Missouri	Construct Strother Rd./I-470 interchange, Jackson Co.	3
862.	Massachusetts	Upgrade Rt. 9/Calvin Coolidge Bridge, Hadley	9.375
863.	Ohio	Rail mitigation and improvement projects from Vermillion to Conneaut	9
864.	Massachusetts	Construct I-95/I-93 interchange, Boston	3.75
865.	West Virginia	Construct Riverside Expressway, Fairmont	27
866.	Ohio	Construct greenway enhancements in Madison	2.3
867.	Tennessee	Reconstruct US-27 in Morgan County	2.25
868.	West Virginia	Upgrade US Rt. 35 between I-64 and South Buffalo Bridge	31
869.	California	Construct I-5/Avenida Vista Hermosa interchange in San Clemente	2.25
870.	Missouri	Upgrade Route 36 between Hamilton and Chillicothe	20
871.	Illinois	Replace Lebanon Ave. Bridge and approaches, Belleville	0.75
872.	Kentucky	Construct US-127: $5,250,000 for the Albany Bypass from KY696 to Clinton County High School and $3,161,250 for the segment between KY696 and the Tennessee State Line.	8.41125
873.	Tennessee	Improve US-64 in Hardeman and McNariy Counties	3.75
874.	Connecticut	Replace bridges over Harbor Brook, Meriden	4.9125
875.	Colorado	Reconstruct I-225/Iliff Avenue interchange in Aurora	3.625
876.	Connecticut	Reconstruct I-84 between vicinity of Route 69 in Waterbury and Marion Avenue in Southington	4.5
877.	New York	Improve Cross Westchester Expressway	0.75
878.	Oregon	Design and engineering for intermodal transportation center, Astoria	0.225
879.	Hawaii	Construct Kapaa Bypass	8.25
880.	Pennsylvania	Construct enhancements and related measures, including purchase of vans for reverse commutes, to intermodal facility located at intersection of 52nd and Lancaster Ave., Philadelphia	3
881.	Washington	Construct Edmonds Crossing Multi-modal transportation project in Edmonds, Washington.	4.5
882.	Ohio	Construct Chagrin River/Gulley Brook corridor scenic greenway along I-90 in Lake County	1.045
883.	California	Construct interchange between I-15 and Main Street in Hesperia, California.	7.5
884.	Texas	Reconstruct State Highway 87 between Sabine Pass and Bolivar Penninsula, McFadden Beach	0.9705
885.	California	Widen State Route 29 between Route 281 and Route 175	0.275
886.	New York	Construct Hudson River scenic overlook from Route 9 to Waterfront in Poughkeepsie	0.336
887.	Indiana	Expand 126th Street in Carmel	0.75
888.	Florida	Widen Gunn Highway between Erlich Road and South Mobley Road in Hillsborough County	1.5
889.	Pennsylvania	Relocate PA-113 at Creamery Village in Skippack	2.7
890.	Michigan	Upgrade Van Dyke Road between M-59 and Utica City limits	2.775
891.	New Jersey	Replace the Ocean City-Longport bridge in Cape May County, New Jersey.	19.5
892.	New York	Construct County Road 93 between NYS 27 and NYS 454.	0.515
893.	Mississippi	Upgrade Brister Rd. between Tutwiler and Coahoma County line, Tallahatchie Co.	0.3825
894.	California	Conduct highway 65 improvement and mitigation project	4.275
895.	Michigan	Construct road drainage improvements, Suttons Bay Village	0.18
896.	Pennsylvania	Construct 25.5 miles of the Perkiomen Trail	0.486
897.	Illinois	Upgrade Bishop Ford Expressway/142nd St. interchange	1.125
898.	Maine	Implement rural ITS	0.1875
899.	Mississippi	Widen US-84 from I-55 at Brookhaven to US-49 at Collins	0.6875
900.	Washington	Widen Columbia Center Boulevard in Kennewick	1.2075
901.	Indiana	Repair signal wires, grade-crossing warning devices and other safety protections along South Shore Railroad between Gary and Michigan City	0.275
902.	Florida	Replace St. Johns River Bridge in Volusia and Seminole Counties	10.5
903.	Louisiana	Construct East-West Corridor project in Southwest Louisiana	0.75
904.	New York	Improve and reconstruct Commerce Street in York Town	0.28
905.	Washington	Widen SR-522 in Snohomish County: $3,650,000 for phase 1 from SR-9 to Lake Road; $1,550,000 to construct segment from Paradise Lake Road to Snohomish River Bridge	5.2
906.	New Jersey	Design and construct pedestrian access facility from Joseph G. Minish Waterfront Park over Route 21 to the New Jersey Performing Arts Center and the contiguous light rail station in Newark	1
907.	Kentucky	Construct a segment of the I-66 corridor from Somerset to I-75	11.25
908.	Michigan	Construct arterial connector between US41/M28 and Co.Rd. 480, Marquette	0.375
909.	Wisconsin	Upgrade State Highway 29 between Green Bay and Wausau	9
910.	Georgia	Construct surface transportation facilities along Atlanta-Griffin-Macon corridor	29.25
911.	Oregon	Repair Port of Hood River Bridge Lift Span project	1.125
912.	Pennsylvania	Construct noise abatement barriers along US-581 from I-83 2.) miles west in Cumberland County	0.36
913.	Texas	Widen Highway 287 from Creek Bend Drive to Waxahacie bypass	5.125
914.	Oregon	Design and engineering for Tualatin-Sherwood Bypass	0.375
915.	Texas	Implement ''Hike and Bike'' trail program, Houston	6
916.	New Hampshire	Widen I-93 from Salem north	9.36
917.	Tennessee	Construct State Route 30 from Athens to Etowah in McMinn County	7.74
918.	California	Undertake median improvements along E. 14th St., San Leandro	0.75
919.	New Jersey	Construct Toms River bridge project connecting Dover and South Toms River Borough	2.25
920.	New York	Improve ferry infrastructure in Greenport	0.75
921.	Puerto Rico	Upgrade PR 30 between PR 203 in Gurabo to PR 31 in Juncos	6
922.	Pennsylvania	Improve access and interchange from I-95 to the international terminal at Philadelphia International Airport	3
923.	New Hampshire	Construct Orford Bridge	2.836
924.	Massachusetts	Construct roadway improvements on Crosby Drive and Middlesex Turnpike, Beford, Burlington and Billerica	5.78775
925.	Illinois	Reconstruct Midlothian Turnpike, Robbins	0.216
926.	California	Plan, design and construct interchange between I-15 and Sante Fe Road in Barstow, California.	3
927.	Pennsylvania	Reconstruct and widen US Rt. 222 to four-lane expressway between Lancaster/Berks County line and Grings Mill Rd. and construction of Warren Street extenstion in Reading	19

No.	State	Project description	[Dollars in Millions]
928.	Maryland	Upgrade roads within Leakin Park Intermodal Corridor, Baltimore	2.4
929.	Washington	Widen SR522 from SR-9 to Paradise Lake Road	3.6
930.	New York	Construct NYS Route 27 at intersection of North Monroe Avenue	4.215
931.	Michigan	Construct Detroit Metropolitan/Wayne County South Access Road	15
932.	Illinois	Reconstruct U.S. 6, Harvey	1.245
933.	New York	Redesign Grand Concourse to enhance traffic flow and related enhancements between E. 161st St. and Fordham Rd., New York City	9.75
934.	Ohio	Construct Black River intermodal transportation center	3.45
935.	Connecticut	Rehabilitate Route 202 bridge in New Milford, Connecticut	2.025
936.	Pennsylvania	Construct park and ride facilities in Lower Bucks County	1.125
937.	Pennsylvania	Widen US-11/15 between Mt. Patrick and McKees Half Falls in Perry County	3.75
938.	Illinois	Undertake Industrial Transportation Improvement Program in Chicago	3.2625
939.	California	Improve streets and construct bicycle paths, Agoura Hills	0.65
940.	California	Implement City of Compton traffic signal systems improvements	3.75
941.	Texas	Construct relief route around Alice	0.1875
942.	California	Reconstruct Harbor Blvd./SR22 Interchange, City of Garden Grove	1.5
943.	North Carolina	Upgrade US 158 (including bypasses of Norlina, Macon and Littleton) in Halifax and Warren Counties	2.25
944.	Utah	Construct 7800 South from 1300 West to Bangerter Highway in West Jordan	5.85
945.	Utah	Widen and improve 123rd/126th South from Jordan River to Bangerter Highway in Riverton	4.5
946.	Kentucky	Construct US-127 Jamestown Bypass	4.35
947.	Minnesota	Upgrade Cass County Road 105 and Crow Wing County Road 125, East Gull Lake	0.72
948.	Arkansas	Construct Highway 82 from Hamburg to Montrose	5.375
949.	Louisiana	Construct Port of South Louisiana Connector in Saint John the Baptist Parish	0.525
950.	Oregon	Rehabilitate Broadway Bridge in Portland	7.5
951.	Louisiana	Construct Metairie Rail Improvements and Relocation project in Jefferson and Orleans Parishes, Louisiana.	6
952.	Washington	Construct Port of Longview Industrial Rail Corridor and Fibre Way Overpass in Longview	1.875
953.	New York	Study transportation improvements for segments of Hutchinson River Parkway and New England Thruway through the Northeast Bronx	1
954.	West Virginia	Construct I-73/74 Corridor, including connectors with WV Rt. 44 and Co. Rt. 13 (Gilbert Creek), Mingo County	9.05
955.	Washington	Improve I-90/Sunset Way interchange in Issaquah, WA	14.85
956.	Indiana	Construct Marina Access Road in East Chicago	1
957.	Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	10
958.	Illinois	Resurface 63rd Street from Western Avenue to Wallace, Chicago	0.5625
959.	North Carolina	Upgrade Highway 55 between US 64 and State Route 1121, Wake and Durham Counties	17.25
960.	Indiana	Upgrade Ridge Road between Griffith and Highland	3.3
961.	Missouri	Construct Hermann Bridge on Highway 19 in Montgomery and Gasconade Counties	1.1
962.	New Jersey	Replace Groveville-Allentown Road bridge in Hanilton	2.4
963.	Missouri	Upgrade US-60 in Carter County, Missouri.	20.25
964.	Georgia	Construct the Fall Line Freeway from Bibb to Richmond Counties	17.25
965.	Pennsylvania	Construct American Parkway Bridge project in Allentown	3
966.	Georgia	Upgrade U.S. Rt. 19 between Albany and Thomaston	3.75
967.	Georgia	Construct noise barriers on the westside of I-185 between Macon Road and Airport Thruway and on I-75 between Mt. Zion Road and Old Dixie Highway in the Atlanta area	0.75
968.	Oregon	Construct I-205/Sunnyside/Sunnybrook interchange and related extrension road, Clackamas Co.	17.2
969.	Minnesota	Widen Trunk Highway 14/52 from 75th Street, NW to Trunk Highway 63 in Rochester	9.75
970.	Minnesota	Upgrade CSAH 61 between TH324 and Snake River	0.9
971.	Utah	Construct underpass at 100th South in Sandy	3.51
972.	California	Improve roadway to provide access to Hansen Dam Recreation Area in Los Angeles	0.75
973.	New York	Construct Erie Canal Preserve I-90 rest stop in Port Byron	2.25
974.	Massachusetts	Construct bike path between Rt. 16 (Everett) to Lynn Oceanside	1.275
975.	Tennessee	Construct Kingsport Highway in Washington County	1.5
976.	Mississippi	Widen State Route 6 from Pontotoc to US-45 at Tupelo in Mississippi.	11.25
977.	Tennessee	Construct pedestrian and bicycle pathway to connect with the Mississippi River Trail, and restore adjacent historic cobblestones on riverfront, Memphis	2.25
978.	California	Construct improvements to Harry Bridges Blvd., Los Angeles	6.5
979.	Nebraska	Construct NE-35 alternative and modified route expressway in Norfolkand Wayne	3.375
980.	Michigan	Upgrade Davison Rd. between Belsay and Irish Roads, Genessee Co.	3.2
981.	West Virginia	Relocate segment of Route 33 (Scott Miller Bypass), Roane Co.	4
982.	California	Rehabilitate B Street between Foothill Blvd. and Kelly St., Hayward	0.525
983.	Pennsylvania	Construct exit ramp on I-180 at State Route 2049 in Lycoming County	7.875
984.	California	Improve streets and related bicycle lane in Oak Park, Ventura Co.	0.466
985.	Ohio	Upgrade 11 warning devices on the rail north/south line from Toledo to Deshler	0.825
986.	Alabama	Expand US-278 in Cullman County	5.4
987.	California	Improve the Avenue H overpass in Lancaster, California	4.575
988.	New York	Construct US-219 from Route 39 to Route 17	20
989.	Texas	Widen State Highway 35 from SH288 in Angleton to FM521 and dedicate $630,000 to the acquisition of right-of-way in Brazoria County	5.175
990.	Alaska	Extend Kenai Spur Highway-North Road in Kenai Peninsula Borough	6
991.	Washington	Construct Interstate 405/NE 8th Street interchange project in Bellevue, WA	17.625
992.	Tennessee	Implement ITS technologies, Nashville	2.8
993.	Texas	Construct Galveston Island Causeway Expansion project, Galveston	0.5475
994.	Michigan	Improve I-69 in Branch, Eaton and Calhoun Counties	1.875
995.	California	Improve streets in Canoga Park and Reseda areas, Los Angeles	1
996.	Illinois	Undertake improvements to 127th Street, Cicero Avenue and Route 83 to improve safety and facilitate traffic flow, Crestwood	2
997.	Ohio	Construct new traffic signal and intersection upgrade for Village of Hebron in Licking County	0.06
998.	California	Upgrade US-101 from Eureka to Arcata	0.65
999.	Pennsylvania	Construct bicycle and pedestrian facility between Washington's Landing and Millvale Borough, Allegheny Co.	0.4
1000.	New York	Construct Maybrook Corridor bikeway in Dutchess County	1.404
1001.	California	Construct I-10/Barton Road West/Anderson Street connection	3.75
1002.	Mississippi	Construct Jackson International Airport Parkway and connectors from High Street to the Jackson International Airport in Jackson, Mississippi.	7.5
1003.	New Jersey	Upgrade I-78 interchange and West Peddie St. ramps, Newark	3.725
1004.	California	Implement enhanced traffic access between I-10, area hospitals and southern portion of Loma Linda	1.5
1005.	Ohio	Construct SR 711 connector four-lane limited access highway in Mahoning Co.	25
1006.	Iowa	Extend NW 86th Street from NW 70th Street to Beaver Drive in Polk County	5.25
1007.	California	Construct State Route 56 North connectors at I-5 and North and South connectors at I-15 in San Diego	3
1008.	Arkansas	Construct the Ashdown Bypass/Overpass in Ashdown	3.875
1009.	Colorado	Reconstruct and upgrade I-70/I-25 Interchange, Denver	9
1010.	Louisiana	Construct Zachary Taylor Parkway project	1
1011.	Michigan	Upgrade Rochester Road between I-75 and Torpsey St.	9.225
1012.	Louisiana	Construct I-10/Louisiana Ave. interchange	6
1013.	New York	Construct County Route 21, Peeksill Hollow Road renovation project	7.577
1014.	Georgia	Undertake Perimeter Central Parkway Overpass project and Ashford Dunwoody interchange improvements at I-285, DeKalb Co.	0.075
1015.	Minnesota	Upgrade Highway 53 between Virginia and Cook	1.5
1016.	New York	Initiate study and subsequent development and engineering of an international trade corridor in St. Lawrence County	1.5
1017.	California	Construct Alameda Corridor East, San Gabriel Valley	2.205
1018.	Arkansas	Upgrade Highway 63, Marked Tree to Lake David	10
1019.	Louisiana	Congestion mitigation and safety improvements to the Central thruway in Baton Rouge	2.25
1020.	Maryland	Reconstruct Baltimore Washington Parkway at Route 197, Prince Georges Co.	11.25
1021.	Ohio	Construct Wilmington Bypass, Wilmington	3.75
1022.	Texas	Construct Houston Street Viaduck project in Dallas	5.125
1023.	West Virginia	Construct I-73/74 Corridor, including interchange with US- 460, Mercer County	15
1024.	Massachusetts	Reconstruct Pleasant Street-River Terrace, Holyoke	1.2
1025.	Ohio	Improve and widen SR-45 from North of the I-90 interchange to North Bend Road in Ashtabula County, Ohio	6.17
1026.	Rhode Island	Install directional signs in Newport and surrounding communities	0.225
1027.	Minnesota	Construct Highway 210 trail/underpass, Brainerd/Baxter	0.48
1028.	Florida	A-1-A Beautification project in Daytona, Florida	3.3
1029.	Ohio	Widen Licking-SR-79-06.65 (PID 8314) in Licking County	9
1030.	Texas	Relocate railroad tracks to eliminate road crossings, and provide for the rehabilitation of secondary roads providing access to various parts of the Port and the construction of new connecting roads to access new infrastructure safely and efficiently, Brownsville	4.5
1031.	Oklahoma	Reconstruct US-70 from Broken Bow to Arkansas State line in McCurtain County	3.93
1032.	Tennessee	Improve County Road 374 in Montgomery County	3.75
1033.	Virginia	Enhance Maple Avenue streetscape in Vienna, Virginia	2.025
1034.	Connecticut	Widen Route 10 from vicinity of Lazy Lane to River Street in Southington, Connecticut	3.48

No.	State	Project description	[Dollars in Millions]
1035.	Florida	Widen US-192 between County Route 532 and I-95 in Brevard and Osceola Counties	18.75
1036.	Louisiana	Construct Leeville Bridge on LA-1	1.125
1037.	Illinois	Construct I-57 interchange, Coles Co.	8.15
1038.	Massachusetts	Upgrade Route 2 between Philipston and Greenfield	3
1039.	New Jersey	Construct and/or reconstruct intermodal transportation and maintenance facility in Union City in order to replace the NJ Transit depot	2
1040.	Illinois	Construct Technology Avenue between US Rt. 45 East to Willenborg St., Effingham	2.735
1041.	New Jersey	Replace Maple Grange Road bridge over Pochuck Creek in Sussex County	1.35
1042.	New York	Construct CR-96 from Great South Bay to Montauk Highway in Suffolk County	0.275
1043.	Virginia	Construct connector road from the proposed U.S. 58 Stuart bypass to Route 8 South beginning at the intersection of Johnson Street in Stuart to Route 652.	5.25
1044.	Pennsylvania	Replace bridge over Shermans Creek in Carroll	0.75
1045.	Connecticut	Construct bicycle and pedestrian walkway, Town of East Hartford	0.9
1046.	Ohio	Construct grade separations at Front Street and Bagley Road, Berea	14.25
1047.	Alabama	Upgrade SR 5 in Perry Co.	1.275
1048.	Connecticut	Implement Trinity College Area road improvements, Hartford	5.1075
1049.	Louisiana	Construct North/South Road/I-10-US-61 connection in the Kenner, Louisiana.	5
1050.	New Jersey	Design and construction Belford Ferry Terminal in Belford, New Jersey.	3.45
1051.	Michigan	Construct safety enhancements at rail crossings, Linden, Fenton, Swartz Creek and Gaines	0.75
1052.	California	Extend 7th St. between F St. and North 7th St., Sacramento	1.5
1053.	Massachusetts	Upgrade Spring St. between Bank and Latham Streets, Williamstown	1.5
1054.	California	Complete Citraeado Parkway project in San Diego County	2.25
1055.	Indiana	Conduct railroad relocation study in Muncie	0.045
1056.	Connecticut	Improve Route 4 intersection in Harwinton, Connecticut.	1.35
1057.	Missouri	Widen US-63 in Randolph and Boone Counties, Missouri	31.5
1058.	New York	Construct city of Glen Cove waterfront improvements	3.75
1059.	Illinois	Reconstruct Greenbriar Rd. with construction of new turn lanes in vicinity of John A. Logan College in Carterville	1.05
1060.	Tennessee	Construct bridge and approaches on State Route 33 over the Tennessee River (Henley Street Bridge)	9.9
1061.	Ohio	Construct SR-315 Ohio State University Ramp project in Franklin County	3.5
1062.	Nevada	Improve at-grade railroad crossings in Reno	1.875
1063.	Pennsylvania	Construct Williamsport-Lycoming County Airport Access road from I-180 to the airport	5.25
1064.	Minnesota	Construct bicycle and pedestrian facility (Mesabi Trail), St. Louis County	2.25
1065.	Florida	Widen State Road 44 in Volusia County	1.6875
1066.	Missouri	Upgrade Mo. Rt. 150, Jackson Co.	4.5
1067.	Nebraska	Construct bridge in Newcastle	3
1068.	Pennsylvania	Construct PA 36 Convention Center Connector in Blair County	0.75
1069.	Illinois	Rehabilitate Western Springs Arterial Roadway, Cook Co.	0.825
1070.	California	Rehabilitate Highway 1 in Guadalupe	0.375
1071.	Utah	Widen 7200 South in Midvale	0.99
1072.	Iowa	Construct I-29 airport interchange overpass in Sioux City	4.65
1073.	Florida	Restore and rehabilitate Miami Beach Bridge and waterfront in Miami Beach, Florida.	1.35
1074.	Washington	Improve Huntington Avenue South in Castle Rock	0.5625
1075.	Minnesota	Implement Trunk Highway 8 Corridor projects, Chisago Co.	12.475
1076.	Michigan	Relocate US-31 from River Road to Naomi Road in Berrian County	13.5
1077.	South Carolina	Construct I-95/I-26 interchange, Orangeburg Co.	8.5
1078.	Texas	Upgrade State Highway 35 Houston District Brazoria County	6.92
1079.	Maryland	Improve Halfway Boulevard east and west of Exit 5, I-81 in Washington County	3
1080.	California	Upgrade D Street between Grand and Second Streets, Hayward	0.9
1081.	New Jersey	Undertake improvements associated with the South Amboy Regional Intermodal Center	12
1082.	New York	Replace Kennedy-class ferries, Staten Island	30
1083.	Texas	Expand Winters Freeway (US83/84) in Abilene between Southwest Drive and US 277	8.4
1084.	Maine	Replacement and renovation of Carlton Bridge, Bath/Woolwich	6
1085.	New York	Rahabilitate Jay Covered Bridge in Essex County	0.75
1086.	Minnesota	Construct Elk River bypass from 171st Avenue at Highway 10 to intersection of County Roads 12 and 13 at Highway 169	2.4
1087.	Pennsylvania	Construct Route 72 overpass at Conrail in Lebanon	6.6075
1088.	Indiana	Upgrade Route 31 and other roads, St. Joseph and Elkhart Counties	4.5
1089.	California	Install call boxes along Highway 166 between intersection with Highway 101 and junction with Highway 33	0.216
1090.	New Hampshire	Construct Chestersfield Bridge	2.536
1091.	Oregon	Construct bike path between Terry Street and Greenhill Road, Eugene	1.17
1092.	Dist. of Col.	Conduct MIS of light rail corridors, D.C.	0.75
1093.	Arkansas	Enhance area in the vicinity of Dickson Street in Fayetteville	1.125
1094.	Pennsylvania	Extend North Delaware Ave. between Lewis St. and Orthodox St., Philadelphia	4.2
1095.	Indiana	Reconstruct Wheeling Avenue in Muncie	1.2
1096.	Ohio	Construct interchange at I-480 in Independence, Ohio.	3.5
1097.	Pennsylvania	Relocate PA 18 between 9th Ave. and 32nd St., Beaver Falls	1.05
1098.	Alabama	Construct Eastern Shore Trail project in Fairhope, Alabama.	1.01625
1099.	Maine	Studies and planning for extension of I-95	2.125
1100.	Alabama	Replace bridge over Tombigbee River, Naheola	2.25
1101.	Illinois	Reconstruct Cossitt Ave. in LaGrange	1.485
1102.	New York	Improve Broadway in North Castle in Westchester County	1.26
1103.	New York	Construct access improvements to Port of Rochester Harbor, Rochester	12
1104.	Illinois	Reconstruct Broad Street between Maple St. to Sixth St., Evansville	0.2625
1105.	California	Widen SR-71 from Riverside County to SR-91	13
1106.	Alabama	Construct improvements to 19th Street between I-59 and Tuxedo Junction, Birmingham	0.675
1107.	Pennsylvania	Improve safety on PA-41 from US-30 to PA-926	6
1108.	Texas	Construct 6th and 7th Street overpass over railroad yard, Brownsville	0.375
1109.	California	Upgrade intersection of Folsom Blvd. and Power Inn Rd., Sacramento	7.5
1110.	Illinois	Replace Gaumer Bridge near Alvin	0.9
1111.	Minnesota	Upgrade TH6 between Talmoon and Highway 1	0.9
1112.	Michigan	Extend Trowbridge Road from Harrison Rd. to Red Cedar Rd.	1.875
1113.	New York	Reconstruct Flushing Avenue between Wycoff Avenue and Gates Street	2.25
1114.	California	Construct I-580 interchange, Livermore	9.9
1115.	Illinois	Upgrade South Lake Shore Driver between 47th and Hayes, Chicago	5.85
1116.	Pennsylvania	Improve PA 26 in Huntingdon County	0.75
1117.	Virgin Islands	Construct bypass around Christiansted	6
1118.	New Mexico	Complete the Paseo del Norte East Corridor in Bernalillo County	3.325
1119.	California	Upgrade Industrial Parkway Southwest between Whipple Rd. and improved segment of the parkway, Hayward	0.45
1120.	Kansas	Widen US-81 from Minneapolis, Kansas to Nebraska.	20.85
1121.	New York	Construct sound barriers on Grand Central Parkway between 244th Street and Douglaston Parkway	0.375
1122.	New York	Construct Bike Paths along the Bronx River in Bronx Park	0.25
1123.	Pennsylvania	Conduct preliminary engineering and design for the US-219 bypass of Bradford	0.75
1124.	Utah	Widen and improve 123rd/126th South from 700 East to Jordan River in Draper	6.3
1125.	California	Construct Olympic Training Center Access road, Chula Vista	5
1126.	Florida	Pedestrian safety initiative on US-19 in Pinellas County	5.1
1127.	Texas	Construct US Highway 59 railroad crossing overpass in Texarkana	2.625
1128.	Illinois	Widen and improve US-34 intechange in Aurora	6
1129.	Connecticut	Construct Hartford Riverwalk South, Hartford	2.64
1130.	New York	Rehabilitate transportation facilities in CO-OP City	1
1131.	Florida	Widen and realign Eller Drive in Port Everglades, Florida.	4.2
1132.	Mississippi	Construct I-20 interchange at Pirate Cove	0.75
1133.	Mississippi	Widen US-98 from Pike County to Foxworth	0.6875
1134.	Pennsylvania	Improve Route 219 in Clearfield County	0.75
1135.	Michigan	Replace Barton Rd./M-14 interchange, Ann Arbor	0.75
1136.	Nebraska	Construct the Antelope Valley Overpass in Lincoln	5.625
1137.	New York	Reconstruct Niagara St., Quay St., and 8th St. including realignment of Qual St. and 8th Ave. in Niagara Falls	2.625
1138.	California	Upgrade and synchronize traffic lights in the Alameda Corridor East in Los Angeles County	17.25
1139.	Illinois	Widen US-20 in Freeport	3.825
1140.	Kentucky	Reconstruct Liberty and Todd Roads, Lexington	6
1141.	New Jersey	Upgrade Montvale/Chestnut Ridge Road and Grand Avenue intersection at Garden State Parkway in Bergan County	0.375
1142.	California	Widen SR-23 between Moorpark and Thousand Oaks	10.5
1143.	Utah	Extend Main Street from 5600 South to Vine Street in Murray	10.35
1144.	Pennsylvania	Construct access road to Hastings Industrial Park, Cambria Co.	3.05

No.	State	Project description	[Dollars in Millions]
1145.	New Jersey	Improve Old York Road/Rising Run Road intersection in Burlington	4.98
1146.	Michigan	Construct deceleration lane in front of 4427 Wilder Road, Bay City	0.015
1147.	Pennsylvania	Construct I-81 noise abatement program in Dauphin County	0.48
1148.	Washington	Construct Peace Arch Crossing of Entry (PACE) lane in Blaine	4.9
1149.	New York	Traffic Mitigation Project on William Street and Losson Road in Cheektowaga.	3
1150.	Arkansas	Construct North Belt Freeway	5.25
1151.	Ohio	Improve and widen SR-91 from SR-43 south to county line/city line in Solon	4.25
1152.	Texas	Upgrade US Rt. 59 between US 281 to I-37	12
1153.	Michigan	Construct M-24 Corridor from I-69 to southern Lapeer County	2
1154.	Tennessee	Construct greenway and bicycle path corridor, City of White House	3.2
1155.	Massachusetts	Rehabilitate Union Station in Springfield	12
1156.	Pennsylvania	Install citywide signalization (SAMI) project in Lebanon	0.75
1157.	Washington	Widen SR-543 from I-5 to International Boundary, Washington.	10.2
1158.	Hawaii	Replace Sand Island bridge	0.75
1159.	West Virginia	Upgrade Route 10 between Logan and Man	50
1160.	Florida	Expand Palm Valley Bridge in St. Johns County	3.1
1161.	Michigan	Improve US-31 from Holland to Grand Haven	2.25
1162.	Florida	Upgrade U.S. 319 between I-10 and the Florida/Georgia State line	3.75
1163.	Colorado	Improve SH-74/JC-73 interchange, City of Evergreen in Jefferson County, Colorado.	4.188
1164.	Pennsylvania	Improve Route 94 Corridor through Hanover to Maryland State Line.	6
1165.	California	Undertake San Pedro Bridge project at SR 1, Pacifica	1.125
1166.	Michigan	Upgrade Tittabawasee Road between Mackinaw Road and Midland Road, Saginaw Co.	3
1167.	Illinois	Improve IL-159 in Edwardsville	3.20625
1168.	Virginia	Improve East Eldon Street in Herndon	0.375
1169.	Texas	Construct Cleveland Bypass	10.125
1170.	Utah	Widen SR-36 from I-80 to Mills Junction	2.25
1171.	New Jersey	Eliminate Berlin Circle and signalize intersection in Camden	6
1172.	Arkansas	Upgrade US Rt. 412, Fulton County line to Missouri State line	7.5
1173.	California	Upgrade Del Almo Boulevard at I-405	5
1174.	Pennsylvania	Improve access to McKeesport-Duquesne Bridge	2.15
1175.	North Carolina	Construct US-64/264 in Dare County	0.75
1176.	California	Construct Gene Autry Way/I-5 Access project, Anaheim	6.75
1177.	Arizona	Construct Veterans' Memorial overpass in Pima Co.	11.25
1178.	Virginia	Conduct preliminary engineering on I-73 between Roanoke and Virginia/North Carolina State line	3
1179.	Mississippi	Upgrade roads, Washington Co.	3.3075
1180.	Tennessee	State Highway 109 upgrade planning and engineering, Sumner Co.	1.84
1181.	Florida	Construct John Young Parkway/I-4 interchange	6
1182.	Illinois	Rehabilitate and upgrade 87th Street Station to improve intermodal access	1.7715
1183.	Ohio	Upgrade SR 124 between Five Points and Ravenswood Bridge, Meigs Co.	3.75
1184.	Colorado	Construct Broadway Viaduct, Denver	3
1185.	New York	Construct Bay Shore Road SR-231 to SR-27 in Suffolk County	7.53
1186.	North Dakota	Construct Jamestown bypass	3.6
1187.	Ohio	Upgrade State Route 18 between I-71 and I-77	1.55
1188.	California	Construct Overland Drive overcrossing in Temecula	3.75
1189.	Ohio	Upgrade U.S. Route 422 through Girard	4.72
1190.	Mississippi	Widen MS-45 from Brooksville to US-82 in Mississippi.	3.375
1191.	California	Extend Highway 41 in Madera County	5.5
1192.	Missouri	Construction and upgrade of US-71/I-49 in Newton and McDonald County, Missouri.	24.97725
1193.	North Carolina	Upgrade US-158 in Warren and Halifax Counties	2.25
1194.	Illinois	Reconstruct I-74 through Peoria	2
1195.	Minnesota	Construct Shepard Road/Upper Landing interceptor, St. Paul	2.25
1196.	Texas	Construct segment lof a bypass to I-35 known as SH-130. The State of Texas shall consult with all appropriate local officials, representatives of the affected local communities, and provide for public comment prior to determining a final alignment for the project.	13.5
1197.	Washington	Redevelop Port of Anacortes waterfront	0.05
1198.	California	Construct I-15 Galinas interchange in Riverside County	6.375
1199.	New Jersey	Replace Kinnaman Avenue bridge over Pohatcong Creek in Warren county	1.2
1200.	Michigan	Upgrade (all weather) on US 2, US 41, and M 35	1.275
1201.	Maine	Upgrade Route 11	3
1202.	Rhode Island	Reconstruct Harris Ave., Woonsocket	1.5
1203.	Oregon	Construct bike path between Main Street/Highway 99 in Cottage Grove to Row River Trail, Cottage Grove	0.23
1204.	Maine	Improve Route 26	1.125
1205.	New York	Rehabilitate Third Avenue Bridge over Harlem River, New York City	1.5
1206.	New Hampshire	Construct the Keene bypass	4.899
1207.	New Jersey	Construct grade separation of Route 35 and Tinton falls and extend Shrewsbury Avenue in Monmouth	3.75
1208.	California	Reconstruct La Loma Bridge in Pasadena	2.25
1209.	Indiana	Remove and replace Walnut Street in Muncie	1.605
1210.	Arkansas	Construct US-270 East-West Arterial in Hot Springs	6.875
1211.	Oklahoma	Reconstruct and widen I-40 Crosstown Bridge and Realignment in downtown Oklahoma City, including demolition of the existing bridge, vehicle approach roads, interchanges, intersections, signalization and supporting structures between I-35 and I-44.	72.7875
1212.	Texas	Widen Meacham Boulevard from I-35W to FM-146 and extend Meacham Boulevard from west of FM-156 to North Main Street	2
1213.	Minnesota	Upgrade CSAH 116 north of CSAH 88 in Ely	1.2
1214.	Mississippi	Upgrade West County Line Road, City of Jackson	8.25
1215.	California	Construct Imperial Highway grade separation and sound walls at Esperanza Road/Orangethorpe Avenue in Yorba Linda, California.	12.515
1216.	Nevada	Widen I-15 from California State line to Las Vegas	1.875
1217.	Connecticut	Improve and realign Route 8 in Winchester	1.515
1218.	Oklahoma	Reconstruct US-70 in Marshall and Bryan Counties	0.11
1219.	Pennsylvania	Construct California University of Pennsylvania intermodal facility	1
1220.	Arkansas	Construct turning lanes at US-71/AR-8 intersection in Mena	0.1875
1221.	Michigan	Construct intermodal freight terminal in Wayne Co.	18
1222.	Pennsylvania	Improve PA 17 from PA 274 to PA 850 in Perry County	0.75
1223.	Indiana	Install traffic signalization system in Muncie	0.675
1224.	Illinois	Upgrade US 40 in Martinsville	0.094
1225.	Indiana	Construct SR-9 bypass in Greenfield	2.3625
1226.	Kentucky	Conduct feasibility study for Northern Kentucky High Priority Corridor (I-74)	0.375
1227.	Hawaii	Construct interchange at junction of proposed North-South road and H-1	1.5
1228.	Florida	Construct improvements to JFK Boulevard, Eatonville	0.75
1229.	Mississippi	Construct access improvments to various roads, Humphreys Co.	0.75
1230.	South Dakota	Construct Heartland Expressway Phase I	6.505
1231.	Illinois	Construct Raney Street Overpass in Effingham	4.4
1232.	Texas	Road improvements along historic mission trails in San Antonio.	1.875
1233.	New York	Construct Elmira Arterial from Miller to Cedar	2.25
1234.	Ohio	Construct a new interchange at County Road 80 and I-77 in Dover with $100,000 to preserve or reconstruct the Tourism Information Center	7.1
1235.	California	Construct Airport Blvd. interchange in Salinas	6
1236.	Massachusetts	Construct South Weymouth Naval Air Station Connectivity Improvements	14.225
1237.	Illinois	Construct new entrance to Midway Airport Terminal	6.5
1238.	West Virginia	Preliminary engineering, design and construction of the Orgas to Chelayn Road, Boone Co.	2
1239.	New Jersey	Construct US-22/Chimney Rock Road interchange in Somerset County	17.25
1240.	Kansas	Reconstruct K-7 from Lone Elm Road to Harrison	2.79
1241.	Pennsylvania	Install traffic signal upgrade in Clearfield Borough in Clearfield County	0.375
1242.	Missouri	Construct Grand Ave. viaduct over Mill Creek Valley in St. Louis	1.65
1243.	Pennsylvania	Construct improvements to North Shore Roadway and access in the city of Pittsburgh	11
1244.	West Virginia	Construct improvements on WV 9 including turning lane and signalization, Berkely Co.	0.2
1245.	New York	Conduct Trans-Hudson Freight Improvement MIS, New York City	3
1246.	West Virginia	Upgrade Route 2 in Cabell Co., including the relocation of Route 2 to provide for a connection to I-64 (Merrick Creek Connector)	10
1247.	New Hampshire	Construct Hindsale Bridge	2.536
1248.	Washington	Reconstruct I-82/SR-24 intersection and add lanes on SR- 24 to Keys Road	6.48
1249.	Iowa	Construct controlled access four-lane highway between Des Moines and Burlington	9.525
1250.	Pennsylvania	Construct bicycle and pedestrian facility between Boston Bridge and McKee Point Park, Allegheny Co.	0.125
1251.	Ohio	Upgrade and widen US-24 from I-469 to I-475	17.25
1252.	Texas	Upgrade FM517 between Owens and FM 3346, Galveston	2.892
1253.	Idaho	Construct US-95: Sandcreek Alternate Route in Sandpoint	13.5

No.	State	Project description	[Dollars in Millions]
1254.	New Jersey	Replace Calhoun Street Bridge in Trenton	0.975
1255.	California	Construct Cabot-Camino Capistrano Bridge project in Southern Orange County	1.5
1256.	Pennsylvania	Construct PA 16 Truck climbing lane in Franklin County	1.5
1257.	New York	Construct Eastern Long Island Scenic Byway in Suffolk County	11.25
1258.	Texas	Construct Loop 197, Galveston	3.2175
1259.	Illinois	Construct Western Springs Pedestrian and Tunnel project, Cook Co.	0.925
1260.	Georgia	Construct the Savannah River Parkway in Bullock, Jenkins, Screven and Effinghaus Counties	7.5
1261.	Mississippi	Construct connector between US-90 and I-10 in Biloxi	6.375
1262.	American Samoa	Construct drainage system improvements associated with highway construction on Tutilla Island, American Samoa	3.75
1263.	Maryland	Implement city-wide signal control system replacements and improvements in Baltimore	13.275
1264.	West Virginia	Construct I-81 interchange, Martinsburg	5.05
1265.	Alabama	Replace pedestrian bridges at Village Creek and Valley Creek, Birmingham	0.075
1266.	Virginia	Improve Route 123 from Route 1 to Fairfax County line in Prince William County, Virginia.	11.25
1267.	New Mexico	Improve US-70 from I-25 to Organ in New Mexico.	18.75
1268.	Pennsylvania	Undertake transportation enhancement activities within the Lehigh Landing Area of the Delaware and Lehigh Canal National Heritage Corridor	5.25
1269.	New York	Implement Melrose Commons geographic information system	0.75
1270.	Alabama	Construct repairs to Pratt Highway Bridge, Birmingham	0.45
1271.	Texas	Construct Spur 10 from SH-36 to US-59	3
1272.	Nebraska	Replace US-81 bridge between Yankton, south Dakota and Cedar County, Nebaska	1.125
1273.	California	Construct Centennial Transportation Corridor	15.75
1274.	Minnesota	Construct Phalen Blvd. between I-35E and I-94	9.75
1275.	California	Reconstruct Palos Verdes Drive, Palos Verdes Estates	0.3375
1276.	Pennsylvania	Facilitate coordination of transportation systems at intersection of 46th and Market, and enhance access and related measures to area facilities including purchase of vans for reverse commutes, Philadelphia	3
1277.	Indiana	Improve Southwest Highway from Bloomington to Evansville	27
1278.	Pennsylvania	Construct an access road in Bedford Springs, Pennsylvania, along Old U.S. 220 to the Springs Project and to construct other facilities to facilitate movement of traffic within the site and construction of a parking facility to be associatied therewith or other projects in the counties of Bedford , Blair, Fulton, Franklin, Mifflin, Fulton and Clearfield, and Huntingdon, as selected by the State of Pennsylvania	28.18
1279.	Washington	Undertake FAST Corridor improvements with the amounts provided as follows: $12,000,000 to construct the North Duwamish Intermodal Project, $3,375,000 for the Port of Tacoma Road project, $2,250,000 for the SW Third St./BSNF project in Auburn, $1,500,000 for the S.277th St./BNSF project in Auburn/Kent, $1,500,000 for the S.277th St./UP project in Auburn Kent, $1,500,000 for the S. 180th St. E/BSNF project in Tukwila, $750,000 for the 8th St. E/BSNF project in Pierce Co., and $1,125,000 for the Shaw Rd. extension Puyallup	24
1280.	Ohio	Construct interchange at SR 11 and King Graves Rd. in Trumball Co.	5.56
1281.	Michigan	Apply ITS technologies relating to traffic control, Lansing	2.775
1282.	California	Stabilize US-101 at Wilson Creek	0.65
1283.	Michigan	Construct interchange at Eastman Avenue/US-10 in Midland	8.25
1284.	Arkansas	Enhance area around the Paris Courthouse in the vicinity of Arkansas Scenic Highway 22 and Arkansas Scenic Highway 309, Paris Arkansas	0.3
1285.	Mississippi	Upgrade Hampton Lake Road, Tallahatchie Co.	0.66
1286.	Illinois	Undertake improvements to Campus Transportation System	0.75
1287.	Virginia	Construct access road, walking trail and related facilities for the Nicholsville Center, Scott Co.	0.225
1288.	Pennsylvania	Improve intersection of U.S., S.R. 3066, and West Allegheny Road, North Fayette Township	3.5
1289.	Arkansas	Construct Highway 425 from Pine Bluff to the Louisiana State line	5.375
1290.	Pennsylvania	Construct Independence Gateway Transportation Center project, Philadelphia	5.5
1291.	Minnesota	Upgrade Perpich Memorial from CR-535 to CSAH 111	2.1
1292.	Texas	Construct US Rt. 67 Corridor through San Angelo	5.25
1293.	Pennsylvania	Construct improvements to roadway and parking facility in the vicinity of St. Francis College, Cambria County	2
1294.	Missouri	Construct extension of bike path between Soulard market area and Riverfront bike trail in St. Louis	0.6
1295.	New York	Construct intermodal facility in Yonkers, Westchester Co.	8.687
1296.	Maryland	Construct intersection improvements to facilitate access to NSA facility, Anne Arundel Co.	2.25
1297.	Massachusetts	Undertake vehicular and pedestrian movement improvments within Central Business District of Foxborough	1.56
1298.	Kentucky	Construct KY-70 from Cave City to Mammoth Cave	1.5
1299.	Virginia	Construct Main Street Station in Richmond	6
1300.	New Hampshire	Improve 3 Pisquataqua River Bridges on the New Hampshire - Maine border	1.65
1301.	Pennsylvania	Construct Abbey Trails in Abington Township	0.45
1302.	Hawaii	Upgrade Kaumualii Highway	8.25
1303.	North Carolina	Upgrade and improve US-19 from Maggie Valley to Cherokee	15
1304.	Maine	Replace Ridlonville Bridge across Androscoggin River	1.125
1305.	Mississippi	Upgrade and widen US-49 in Rankin, Simpson, and Covington Counties	0.6875
1306.	Texas	Upgrade SH 30, Huntsville	1.875
1307.	California	Reconstruct the I-710/Firestone Blvd. interchange	12
1308.	Pennsylvania	Widen US 30 from Walker Rd to Fayetteville in Franklin County	1.5
1309.	Virginia	Construct Southeastern Parkway and Greenbelt in Virginia Beach	3
1310.	Illinois	Replace State Route 47 Bridge in Morris	14.25
1311.	Texas	Upgrade Highway 271 between Paris and Pattonville	1.5
1312.	Minnesota	Improve roads, Edge of Wilderness, Grand Rapids to Effie	4.5
1313.	Arizona	Reconstruct I-19, East Side Frontage Road, Ruby Road to Rio Rico Drive, Nogales	7.5
1314.	North Carolina	Construct I-85 Greensboro Bypass in Greensboro, North Carolina.	22.125
1315.	New York	Improve access to I-84/Dutchess intermodal facility in Dutchess County	2.21
1316.	Illinois	Construct I-88 interchange at Peace Road in Dekalb	1.5
1317.	North Dakota	Upgrade US Rt. 52, Kenmare to Donnybrook	2.1
1318.	South Carolina	Construct improvements to I-95/SC 38 interchange	6.75
1319.	Arkansas	Construct Highway 15 from Connector Road to Railroad Overpass in Pine Bluff	0.875
1320.	New York	Reconstruct 79th Street Traffic Circle, New York City	7
1321.	California	Extend State Route 52 in San Diego	2.25
1322.	California	Construct Sacramento Intermodal Station	3
1323.	Illinois	Construct Central Ave.-Narragansett Ave. connector, Chicago	3.7
1324.	Pennsylvania	Construct Walnut Street pedestrian bridge in Dauphin County	0.75
1325.	Indiana	Conduct rail-highway feasibility project study in Muncie	0.075
1326.	Georgia	Upgrade US Rt. 27	7.5
1327.	Michigan	Improve Hoban Road and Grand Avenue, City of Mackinac Island	0.84
1328.	Washington	Construct Cross Base Corridor, Fort Lewis-McChord AFB	0.375
1329.	Illinois	Construct bicycle/pedestrian trail parallel to light rail transit system in St. Clair co.	5.5
1330.	Pennsylvania	Improve Bedford County Business Park Rd in Bedford County	1.5
1331.	Louisiana	Construct Port of St. Bernard Intermodal facility	1.575
1332.	New York	Construct bridge deck over the Metro North right-of-way along Park Ave. between E. 188th and 189th Streets	0.75
1333.	Ohio	Conduct feasibility study for the construction of Muskingum County South 93-22-40 connector	0.5
1334.	South Carolina	Upgrade US Highway 301 within Bamberg	3.2
1335.	Virginia	Construct road improvements, trailhead and related facilities for Birch Knob Trail on Cumberland Mountain	0.25
1336.	Kansas	Widen US-169 in Miami County	12.15
1337.	Texas	Construct extension of Bay Area Blvd.	0.75
1338.	New Jersey	Construct highway connector between Interstate Route 1&9 (Tonelle Ave.) and the New Jersey Turnpike at Secaucus Intermodal Transfer Rail Station and the Trans Hudson Corridor at the Bergen Arches arterial roadway	5.5
1339.	California	Modify HOV lanes, Marin Co.	5.25
1340.	California	Widen US-101 from Petaluma Bridge to Novato	8.75
1341.	Arkansas	Construct US 63 interchange with Washington Ave. and Highway 63B	1.5
1342.	Louisiana	Kerner's Ferry Bridge Replacement project	0.75
1343.	Pennsylvania	Reconstruct I-95/Street Road interchange in Bucks County	1.3275
1344.	New York	Upgrade Frederick Douglas Circle, New York City	9
1345.	Pennsylvania	Improve PA 453 from Water Street to Tyrone in Huntingdon County	0.75
1346.	Oregon	Acquire and rennovate facility to serve as multimodal transportation center, Eugene	2
1347.	Alabama	Construct improvements to Ensley Avenue between 20th St. and Warrior Rd., Birmingham	0.75
1348.	Alaska	Extend West Douglas Road	2.475
1349.	Pennsylvania	Construction of noise barriers along State Route 28, Aspinwall	0.8
1350.	Mississippi	Replace Greenville River Bridge in Washington County	1.0
1351.	Illinois	Reconstruct Claire Blvd., Robbins	0.2475
1352.	New Jersey	Reconstruct South Pembrton Road from Route 206 to Hanover Street	6
1353.	Kentucky	Reconstruct US-231: $5,625,000 for the segment between Dry Ridge Road and US-231 and US-31; $3,000,000 for the segment between Allen-Warren County line and Dry Ridge Road	8.625

No.	State	Project description	[Dollars in Millions]
1354.	Indiana	Undertake safety and mobility improvements involving street and street crossings and Conrail line, Elkhart	1.5
1355.	New York	Construct sound barriers on east side of Clearview Expressway between 15th Road and Willets Point Blvd.	0.3
1356.	Tennessee	Construct Franklin Road interchange and bypass	2
1357.	New Jersey	Construct, reconstruct and integrate multi-transportation modes -- international airport and seaport, rail, national highway system and brownfields -- to establish an international intermodal transportation center and corridor between and within the cities of Bayonne, Elizabeth and Newark, New Jersey	2
1358.	Louisiana	Construct I-49 interchange at Caddo Port Road in Shreveport	4.2
1359.	Oklahoma	Conduct study of Highway 3 in McCurtain, Pushmataha and Atoka Counties.	0.16
1360.	North Carolina	Construct US-117, the Elizabeth City Bypass in Pasquotank County	2.625
1361.	North Carolina	Upgrade US 13 (including Ahoskie bypass) in Bertie and Hertford Counties	0.75
1362.	California	Extend Route 46 expressway in San Luis Obispo Co.	6
1363.	Illinois	Construct improvements to New Era Road, Carbondale	2.625
1364.	New York	Construct congestion mitigation project for Riverhead	1.875
1365.	California	Upgrade Riverside Avenue/I-10 interchange, Rialto	0.69375
1366.	California	Construct I-10 Tippecanoe/Anderson interchange project in Loma Linda and San Bernardino County, California.	1.5
1367.	Colorado	Construct C-470/I-70 ramps in Jefferson Co.	4.187
1368.	Washington	Conduct feasibility study of State Route 35 Hood River bridge in White Salmon	0.75
1369.	Tennessee	Construct Landport regional transportation hub, Nashville	8
1370.	Pennsylvania	Upgrade roadway in the Princeton/Cottman I-95 interchange and related improvements, Philadelphia	15.15
1371.	Washington	Construct Sequim/Dungeness Valley trail project	0.75
1372.	Maryland	Construct phase 1A of the I-70/I-270/US-340 interchange in Frederick County	11.25
1373.	American Samoa	Upgrade village roads on Tutuila/Manua Island, American Samoa	8.25
1374.	Virginia	Improve Lee Highway Corridor in Fairfax, Virginia.	1.35
1375.	Michigan	Preliminary engineering and right-of-way acquisition for "Intertown South" route of US 31 bypass, Emmet County	1.125
1376.	Missouri	Construction of airport ground transportation terminal for the Springfield/Branson Airport intermodal facility in Springfield, Missouri.	3.75
1377.	Ohio	Upgrade SR 7 (Eastern Ave.) to improve traffic flow into Gallipolis, Gallia Co.	1.5
1378.	Michigan	Construct US-27 between St. Johns and Ithaca	6.375
1379.	Washington	Construct SR 167 Corridor, Tacoma	1.125
1380.	Washington	Widen US-395 in the vicinity of mile post 170 north of Spokane	5.5
1381.	Iowa	Construct overpass to eliminate railroad crossing in Burlington	3.475
1382.	Missouri	Improve safety and traffic flow on Rt. 13 through Clinton	6
1383.	Florida	Construct Alden Road Improvement Project in Orange County	0.525
1384.	Dist. of Col.	Implement traffic signalization, freeway management and motor vehicle information systems, Washington, D.C.	6
1385.	Wisconsin	Construct freeway conversion project on Highway 41 between Kaukauna and Brown County Highway F	16
1386.	Illinois	Construct crossings over Fox River in Kane County	9.375
1387.	Mississippi	Construct US-84 from Eddiceton to Auburn Road	0.6875
1388.	Illinois	Construct US-67 in Madison and Jersey Counties	5.1
1389.	South Carolina	Construct Calhoun/Clarendon Causeway	6.5
1390.	Florida	Construct safety improvements and beautification along U.S. 92, Daytona Beach	2.25
1391.	Pennsylvania	Realign PA29 in the Borough of Collegeville, Montgomery County, Pennsylvania	0.495
1392.	Pennsylvania	Construct Towamencin Township multimodal center	2.61
1393.	Maryland	Construct improvements to Route 50 interchange with Columbia Pike, Prince Georges Co.	2.4
1394.	Illinois	Construct bypass of historic stone bridge, Maeystown	0.615
1395.	Pennsylvania	Construct Johnstown-Cambria County Airport Relocation Road	0.75
1396.	Pennsylvania	Reconstruct the I-81 Davis Street interchange in Lackawanna	6
1397.	Connecticut	Realign Route 4 intersection in Farmington	2.1
1398.	Pennsylvania	Construct Wexford I-79/SR 910 Interchange, Allegheny Co.	0.825
1399.	Pennsylvania	Extend Martin Luther King Busway, Alleghany Co.	1.65
1400.	Massachusetts	Construct Arlington to Boston Bike Path	0.75
1401.	New Jersey	Construct Collingswood Circle eliminator, Camen	6
1402.	Ohio	Construct grade separations at Fitch Road in Olmsted Falls	3.75
1403.	Wisconsin	Construct Eau Claire Bypass project	6
1404.	Minnesota	Reconstruct SE Main Ave. and related improvements, completing 34th Street Corridor project, Moorhead	3
1405.	New York	Construct Olana Visitor Center in Olana	1
1406.	Massachusetts	Improve safety and traffic operations on Main and Green Streets, Mellrose	1.95
1407.	New York	Reconstruct Jackson Avenue in New Windsor, Orange County	1.963
1408.	New York	Construct congestion mitigation project for Smithtown	0.75
1409.	New York	Reconstruct County Route 24 in Franklin County	1.85475
1410.	North Carolina	Construct US-311(I-74) from NC-68 to US-29A-70A	22.875
1411.	California	Design and initiation of long term improvements along Highway 199 in Del Norte County, California	0.275
1412.	Alabama	Complete I-59 interchange in Dekalb County	3.6
1413.	New York	Improve Hiawatha Boulevard and Harrison Street corridors in Syracuse	1.6875
1414.	New Jersey	Construct Route 17 bridge over the Susquehanna and Western Rail line in Rochelle Park	1.125
1415.	Illinois	Undertake streetscaping between Damden and Halsted	0.8625
1416.	Illinois	Construct transportation improvements to Industrial Viaduct, Chicago	1.125
1417.	Ohio	Construct access and related improvements to Downtown Riverfront Area, Dayton	3.675
1418.	Oregon	Purchase and install emitters and receiving equipment to facilitate movement of emergency and transit vehicles at key arterial intersections, Portland	4.5
1419.	Tennessee	Reconstruct road and causeway in Shiloh Military Park in Hardin County	11.25
1420.	Arkansas	Conduct planning for highway 278 and rail for the Warren/Monticello Arkansas Intermodal Complex	0.875
1421.	Oregon	Construct regional multimodal transportation center in Albany	10
1422.	Texas	Construct two-lane parallel bridge, State Highway 146, FM 517 to vicinity of Dickinson Bayou	3.6375
1423.	Connecticut	Relocate and realign Route 72 in Bristol	4.0575
1424.	Massachusetts	Construct Minuteman Commuter Bikeway-Charles River Bikeway connector, Cambridge and Watertown	0.5625
1425.	Michigan	Replace Chevrolet Ave. bridge in Genesee Co.	1.8
1426.	Virginia	Construct trailhead and related facilities and restore old Whitetop Train Station at terminus of Virginia Creeper Trail adjacent to Mount Rogers National Recreation Area	0.3
1427.	New York	Construct Mineola and Hicksville Intermodal Centers in Nassau Co.	12
1428.	Indiana	Lafayette Railroad relocation project in Lafayette, Indiana.	22.05
1429.	Michigan	Construct Jackson Road project (demonstrating performance of paper and plastic reinforced concrete), Scio Township	3.45
1430.	Wyoming	Widen and improve Cody - Yellowstone Highway from the entrance to Yellowstone National Park to Cody	5
1431.	Texas	Widen State Highway 6 from from Senior Road to FM521	9.075
1432.	Massachusetts	Design, engineer and right-of-way aquisition of the Great River Bridge, Westfield	1.5
1433.	Washington	Design and implement report and environmental study of the I-5 corridor in Everett, Washington	1
1434.	North Carolina	Make improvements to I-95/SR-1162 interchange in Johnston Co.	2.4
1435.	New York	Reconstruct Stoneleigh Avenue in Putnam County	2.89
1436.	Pennsylvania	Construct transportation improvements around the interchange of Interstate 81 and S.R. 0944, Hampden Township	2
1437.	Wisconsin	Upgrade Highway 151 between Platteville and Dubuque	6
1438.	New York	Improve Bedford-Banksville Road from Millbrook to Connecticut State line	1.44
1439.	California	Construct interchange between I-15 and SR-18 in Victorville/Apple Valley, California.	6
1440.	Connecticut	Construct overlook and access to Niantic Bay	2.31
1441.	Arizona	Design, engineering and ROW acquisition for Area Service Highway, Yuma	0.75
1442.	Connecticut	Reconstruct cross road over I-95, Waterford	1.5
1443.	Illinois	Upgrade industrial park road in Village of Sauget	3.375
1444.	California	Construct I-680 HOV lanes between Marina Vista toll plaza to North Main Street, Martinez to Walnut Creek	5.25
1445.	Iowa	Improve US 65/IA 5 interchange, Warren Co.	5
1446.	Pennsylvania	Replace Masontown bridge, Fayette and Greene Counties	5
1447.	Indiana	Extend SR 149 between SR 130 to US Rt. 30, Valparaiso	3
1448.	Pennsylvania	Construct PA-309 Sumneytown Pike Connector	3.96
1449.	California	Improve Route 99/Route 120 interchange in Manteca County	6
1450.	Alaska	Construct a bridge joining the Island of Gravina to the Community of Ketchikan on Revilla Island	15
1451.	Nebraska	Conduct corridor study of NE-35 alternative and modified route in Norfolk, Wayne and Dakota City	0.75
1452.	Michigan	Upgrade Lalie St., Frenchtown Rd., and Penshee Rd., Ironwood	0.27
1453.	California	Conduct planning, preliminary engineering and design for Etiwanda Ave./I-10 interchange, San Bernardino Co.	1.5
1454.	California	Construct Arbor Vitae Street improvements, Inglewood	2.625
1455.	Minnesota	Restore MN Transportation facility, Jackson Street Roundhouse, St. Paul	0.75
1456.	Rhode Island	Upgrade pedestrian traffic facilities, Bristol	0.075
1457.	California	Install SiliconValley Smart Corridor project along the I-880 corridor	2.145
1458.	South Carolina	Construct I-26/US-1 connector in Columbia	9
1459.	New York	Construct Poughkeepsie Intermodal Facility in Poughkeepsie	3.75
1460.	Oregon	Restore transportation connection between Wauna, Astoria and Port of Astoria	0.525

No.	State	Project description	[Dollars in Millions]
1461.	New York	Conduct feasibility study of new International bridges on the NY/Canada border	0.375
1462.	Tennessee	Extend Pellissippi Parkway from State Route 33 to State Route 321 in Blount County	8.85
1463.	Ohio	Upgrade 2 warning devices on the rail north/south line from Columbus to Toledo	0.15
1464.	California	Upgrade South Higuera Street, San Luis Obispo	0.675
1465.	Alabama	Upgrade County Road 39 between Highway 84 and Silver Creek Park, Clarke Co.	0.75
1466.	North Carolina	Relocate US 1from north of Lakeview to SR 1180, Moore and Lee Counties	5.475
1467.	Texas	Construct extension of West Austin Street (FM 2609) between Old Tyler Road and Loop 224, Nacogdoches	1.35
1468.	Michigan	Reconstruct I-94 between Michigan Route 14 and US-23	9
1469.	Connecticut	Reconstruct I-84, Hartford	7.1025
1470.	Ohio	Undertake improvements to Valley Street, Dayton	0.675
1471.	New Jersey	Upgrade Urban University Heights Connector, Newark	7.275
1472.	Ohio	Widen to 5 lanes existing SR 43/Sunset Boulevard in Steubenville, Jefferson County	0.6
1473.	New York	Improve and reconstruct Stony Street in York Town	0.35
1474.	Ohio	Construct grade separation at Dille Road in Euclid	3.75
1475.	Washington	Safety improvements to State Route 14 in Columbia River Gorge National Scenic Area	3.15
1476.	Indiana	Upgrade County roads in LaPorte County.	6
1477.	California	Implement ITS technologies in Employment Center area of City of El Segundo	2.6625
1478.	Minnesota	Construct pedestrian overpass on Highway 169, Mille Lacs Reservation	0.45
1479.	Texas	Complete State Highway 35 in Aransas County	5.42
1480.	washington	Construct overcrossing at 38th Street in Everett, WA., and construct the Riverside Industrial Access Road as identified in the FAST Corridor plan	5.893
1481.	Illinois	Construct improvements to McKinley Bridge over Mississippi River with terminus points in Venice, Illinois, and St. Louis, Missouri	3.9
1482.	Connecticut	Upgrade bridge over Naugatuck River, Ansonia	0.3375
1483.	Louisiana	Widen Lapalco Boulevard from Barataria Boulevard to Destrehan Avenue in Jefferson Parish, Louisiana.	3
1484.	California	Construct Tulare County roads in Tulare County	6.75
1485.	Washington	Extend Mill Plain Boulevard in Vancouver	3
1486.	Missouri	Construct an intermodal center at Missouri Botanical Garden	0.9
1487.	Ohio	Reimburse costs associated with multimodal transportation improvements, Dayton	2.0625
1488.	West Virginia	Upgrade US 340 between West Virginia/Virginia State line and the Charles Town Bypass	2
1489.	Ohio	Add lanes and improve intersections on Route 20 in Lake County, Ohio	2
1490.	Pennsylvania	Rehabilitate Kenmawr Bridge, Swissvale	0.45
1491.	Rhode Island	Construct Blackstone River Bikeway	2.59125
1492.	Alaska	Construct Gravina Island Bridge in Ketchikan	5.443
1493.	Alaska	Construct N.W. Alaska Road/Rail access	2.5
1494.	Alaska	Construct North Denali access route	1.5
1495.	Alaska	Construct capital improvements to marine transportation facilities for Prince of Wales Island	0.75
1496.	Alaska	Improve marine dry dock and facilities in Ketchikan	0.75
1497.	Alaska	Construct New Access Route to Ship Creek Access in Anchorage	11.943
1498.	Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	1
1499.	Alabama	Engineering, right-of-way acquisition and construction of Huntsville Southern Bypass	1
1500.	Alabama	Construction of Eastern Black Warrior River Bridge	7.75
1501.	Alabama	Construct East Foley Corridor Project from Baldwin County Highway 20 to State Highway 59 in Alabama	1
1502.	Alabama	Engineering, right-of-way, acquisition and construction of Birmingham Northern Beltline in Jefferson County	8.917
1503.	Alabama	Extend I-759 in Etowah County	1.167
1504.	Alabama	Construct Decatur Southern Bypass	1
1505.	Alabama	Construct Anniston Eastern Bypass from I-20 to Fort McClellan in Calhoun County	2
1506.	Alabama	Construct Montgomery outer loop from US 80 to I-85 via I-65	11.8
1507.	Alabama	Develop U.S. 231/I-10 Freeway Connector from Alabama border to Dothan	2
1508.	Alabama	Replace bridge over Tombigbee River, Naheola	3
1509.	Arkansas	Development of Little Rock Port Authority	2
1510.	Arkansas	Development of Little Rock River Rail Project	2
1511.	Arkansas	Improvements to I-30 From Benton to Geyer Springs Exit in Little Rock	2
1512.	Arkansas	Upgrade 2 bypasses (Washington Ave. Interchange and Highway 63B Interchange) on U.S. 63 in Jonesboro	5
1513.	Arkansas	Construct bypass at Ashdown	1.25
1514.	Arkansas	Devlopment of U.S. 71 from Fort Chaffee to Texarkana	7
1515.	Arkansas	Development of Interchange at Intersection of I-40 and Airport Road in West Memphis	6
1516.	Arkansas	Improve U.S. Highway 412 From Harrison to Mountain Home	3.8875
1517.	Arkansas	Complete Courthouse Improvement Enhancements Project in Paris	0.1
1518.	Arkansas	Further study and development of Russellville Intermodal Complex in Russellville	0.25
1519.	Arkansas	Construct turning lanes at the Intersection of U.S. Highway 71 and Arkansas State Highway 8 in Mena	0.0625
1520.	Arkansas	Transportation Enhancements in the Vicinity of Dickson St., Fayetteville	0.375
1521.	Arkansas	Improve Arkansas State Highway 12 From U.S. 71 at Rainbow Curve to the Northwest Arkansas Regional Airport	0.125
1522.	Arkansas	Construct intermodal connector access road to the Northwest Ark. Regional Airport	4
1523.	Arkansas	Continue development of West Phoenix Ave, Ft. Smith	2
1524.	Arkansas	Improvements to 28th Street, Van Buren	0.25
1525.	Arkansas	Conduct feasibility studies for Van Buren Intermodal Port	0.075
1526.	Arkansas	Upgrade Arkansas State Highway 59 from Rena Road to Old Uniontown Road in Van Buren	0.65
1527.	Arkansas	Construct improvements to U.S. Highway 71 to I-40 through Fort Chaffee and Fort Smith	1.25
1528.	California	Construct I-80 reliever route system, Solano Cty	12.1
1529.	California	Replace Maxwell Bridge, Napa Cty	8.7
1530.	California	Construct March Inland Port ground access project, Riverside Cty	7.2
1531.	California	Construct Sta Monica Transit Pkwy	17
1532.	California	Construct state Rte 905 between I-805 and Otay Mesa border crossing	38.5
1533.	California	Construct hwy grade separation/other improvements for "Gateway for America" project in San Gabriel Valley	100
1534.	Colorado	State Priority Projects	23.401
1535.	Connecticut	Reconstruction of railroad electrical catenary serving commuter lines between New Haven and Stanford	23.433
1536.	Connecticut	Pedestrian/disabled access improvements at Mark Twain House Historic Site	0.5
1537.	Connecticut	Reconstruct and expand access road and related riverwalk improvements at/adjacent to Riverside Park, Hartford	2
1538.	Connecticut	Develop Winsted and Winchester rail trail, linkage to existing trails in neighboring towns	1.5
1539.	Connecticut	Develop Quinipiac River linear trail in Wallingford and Meriden	1.5
1540.	Connecticut	Extend Farmington Canal Rail Trail in Hamden and New Haven	1.5
1541.	Florida	State Priority Projects	92.096
1542.	Georgia	Upgrade Lithonia Industrial Blvd, DeKalb Cty	0.35
1543.	Georgia	Widen US 84 South from US 82 to Ware Cte in Waycross and Ware Ctes	1.6
1544.	Georgia	Construct Rome to Memphis hwy in Floyd and Bartow Ctes	2
1545.	Georgia	Construct Athens to Atlanta transportation corridor	8
1546.	Georgia	Conduct a study of Interstate multimodal transportation corridor from Atlanta to Chattanooga	2.5
1547.	Georgia	Conduct study of multimodal transportation corridor along GA 400	25
1548.	Georgia	Construct Savannah River Pkwy in Bulloch, Jenkins Screven, and Effingham Counties	5
1549.	Georgia	Conduct study of interstate multimodal transportation corridor from Atlanta to Chattanooga	5
1550.	Georgia	Undertake major arterial enhancement in DeKalb Cty: Candler Rd, Memorial Dr, and Buford Hwy	6.66
1551.	Georgia	Construct Harry S. Truman Pkwy	3.55
1552.	Georgia	Construct multimodal passenger terminal, Atlanta	8.1
1553.	Georgia	Construct Rome to Memphis hwy in Floyd and Bartow Ctes	4.112
1554.	Georgia	Construct Fall Line Freeway from Bibb to Richmond Ctes	9.5
1555.	Georgia	Construct Fall Line Freeway from Bibb to Richmond Ctes	23
1556.	Iowa	Design, right-of-way and construction of a bridge over railroad tracks on airport access road in Sioux City	1.5
1557.	Iowa	Construction of a 4-lane expressway between DesMoines and Marshalltown	2.75
1558.	Iowa	Design, right-of-way and construction of the Avenue G viaduct and related roadway in Council Bluffs	7
1559.	Iowa	Design and construction of native roadside vegetation enhancement center at U.N.I. in Cedar Falls	0.76
1560.	Iowa	Construct the D116 Dubuque Bridge over the MI River at Dubuque	7
1561.	Iowa	Design, right-of-way and construction of segments of Martin Luther King Jr. Parkway in DesMoines from Center ST. to Fleur Dr.	12
1562.	Idaho	Reconstruct 184/I-84 interchange (mileposts 0.0--0.6)	19
1563.	Idaho	Rehabilitate US 20 Ashton/Ashton Hill Bridge and Intersection Project (mileposts 363.3--363.5)	3.75
1564.	Idaho	Construct Cheyenne Street Railroad Overpass, Pocatello	5.5
1565.	Idaho	Stage 1, US 93 Twin Falls Alternate Rte from junction of US 93/Hwy 30 north (mileposts 45--48)	13
1566.	Idaho	Safety improvements on US 95 from Genesee to Moscow (mileposts 331--345)	16
1567.	Idaho	Safety improvements/bridge replacement on US-95 at Mann's Creek Curves (mileposts 91.2--94.8)	7
1568.	Idaho	Alignment/bridge replacement State Hwy 55 between Smith's Ferry and Round Valley (mileposts 94.9--101.0)	18
1569.	Illinois	Improve Campus Transportation System, Chicago	2
1570.	Illinois	Construct US 67 in Madison and Jersey Ctes	6.798
1571.	Illinois	Construct confluence bikeway in Madison Cty	1

No.	State	Project description	[Dollars in Millions]
1572.	Illinois	Extend Veterans Mem Drive and construct overpass at I-57 in Mt Vernon	3
1573.	Illinois	Construct 34 from Burlington IA to Monmouth IL	5
1574.	Illinois	Reconstruct Wacker Dr in Chicago	25
1575.	Illinois	Reconstruct Stevenson Expwy, Chicago	25
1576.	Indiana	State Priority Projects	47.046
1577.	Kansas	State Priority Projects	23.488
1578.	Kentucky	Widen US 27 from Norwood to Eubank	5.83
1579.	Kentucky	Reconstruct KY210 from Hodgenville to Morning Star Rd in LaRue Cty	2
1580.	Kentucky	Conduct feasibility study for No. KY high-priority corridor (I-74)	0.125
1581.	Kentucky	Construct necessary connections for the Taylor Southgate Bridge in Newport and the Clay Wade Bridge in Covington	2.3
1582.	Kentucky	Construction on US 127: Albany Bypass to KY90, Albany Bypass from KY696 to Clinton Cty H.S., and from KY696 to TN state line	2.81
1583.	Kentucky	Construct highway rail grade separations along the City Lead in Paducah	0.25
1584.	Kentucky	Reconstruction of the Louisville Trolley Barn	1.5
1585.	Kentucky	Completion of the Ownsboro Corridor and related State Highway projects	15.817
1586.	Kentucky	Extend Hurstbourne Pkwy from Bardstown Rd to Fern Valley Rd	4
1587.	Louisiana	Causeway Project	0.5
1588.	Louisiana	I-10 Connector, Port of South Louisiana	0.28
1589.	Louisiana	Florida Expressway Construction, St. Bernard/Orleans Parishes	0.05
1590.	Louisiana	Kerner Bridge, Jefferson Parish	0.25
1591.	Louisiana	Construction, LA 1	2.3
1592.	Louisiana	Leeville Bridge, LA 1	2
1593.	Louisiana	Louisiana segment, Gulf Coast high speed rail	1
1594.	Louisiana	Perkins Road, Baton Rouge	1.5
1595.	Louisiana	East West Corridor/El Camino Real, LA 6 to US 84, Central-Northwest LA	1
1596.	Louisiana	Nelson Access Road to Port of Lake Charles	4.5
1597.	Louisiana	Tchopitoulas Corridor, New Orleans	4.5
1598.	Louisiana	Rte 3132 to Caddo-Bossier Port, Shreveport	4.5
1599.	Louisiana	Kansas Lane, Monroe	4.5
1600.	Louisiana	New Orleans CBD to New Orleans Int'l Airport, commuter rail	5
1601.	Massachusetts	State Priority Projects	37.365
1602.	Maryland	Improve hwy signage for C&O Canal NHP in Frederick, Washington, and Allegany Cties	0.091
1603.	Maryland	Construct pedestrian bicycle bridge across Susquehanna River between Havre de Grace and Perryville	1.25
1604.	Maryland	Upgrade US 113 north of US 50 to Jarvis Rd in Worcester Cty	7
1605.	Maryland	Upgrade MD 32 in the vicinity of NSA Anne Arundel Cty	6.75
1606.	Maryland	Construct Phase 1-A of the I-70/I-270/US 340 interchange in Frederick Cty	15
1607.	Maine	Upgrade Rte 11	0.15
1608.	Maine	Construct I-95/Stillwater Avenue interchange	0.15
1609.	Maine	Reconstruction of the Mack Point Cargo Port	1.45
1610.	Maine	Improve Rte 23	0.125
1611.	Maine	Improve Rte 26	0.375
1612.	Maine	Replace Ridlonville Bridge, Rumford	0.875
1613.	Maine	Studies, planning for extension of I-95	2
1614.	Maine	Construct I-295 connector, Portland	1
1615.	Maine	Replace Singing Bridge across Taunton Bay	1.375
1616.	Maine	Construct new bridge over Kennebec River (Carlton Bridge replacement)	2
1617.	Maine	Studies, planning, reconstruction of East-West Hwy	1
1618.	Michigan	State Priority Projects	25.447
1619.	Michigan	State Priority Projects	31.438
1620.	Michigan	Reconstruct and rehabilitate, including rail and interstate access improvements for the Detroit Waterfront Dock, Detroit	6
1621.	Minnesota	Reconstruct S.E. Main Ave./I-94 Interchange, Moorhead	1
1622.	Minnesota	Construct T.H. 212 Construction between I-494 and Carver County Road 147	1
1623.	Minnesota	Construct T.H. 610/10 from T.H. 169 in Brooklyn Park to I-94 in Maple Grove	2
1624.	Minnesota	Construct Mankato South Route in Mankato	1
1625.	Minnesota	Reconstruct SE Main Avenue/I-94 Interchange, Moorhead	2
1626.	Minnesota	Replace Sauk Rapids Bridge Over Mississippi River, Stearns and Benton Counties	1
1627.	Minnesota	Replace Sauk Rapids Bridge over Mississippi River, Stearns and Benton Cties	1
1628.	Minnesota	Construct Shepard Rd./Upper Landing Interceptor, St. Paul	1
1629.	Minnesota	Construct Mankato South Route, Mankato	1
1630.	Minnesota	Reconstruct and Replace I-494 Wakota Bridge from South St. Paul to Newport and approaches	3.529
1631.	Minnesota	Reconstruct/replace I-494 Wakota Bridge from South St. Paul to Newport, and approaches	1
1632.	Minnesota	Construct Phalen Blvd. between I-35 and I-94	2.5
1633.	Minnesota	Construct T.H. 610/10 from T.H. 169 in Brooklyn Park to I-94 in Maple Grove	9.029
1634.	Minnesota	Design and Construct Access to I-35W at Lake St., Minneapolis	2
1635.	Missouri	Develop bike/pedestrian paths for Town of Kansas and Riverfront Park in Kansas City	0.341
1636.	Missouri	Construct Cuivre River Bridge at Lincoln County	3
1637.	Missouri	Construct Rte 13 MO River Bridge at Lexington	3
1638.	Missouri	Construct Hwy 47 MO River Bridge at Washington	3
1639.	Missouri	Construct Rte 5 Bridge at the Lake of the Ozarks	3
1640.	Missouri	Upgrade Interstate 70 in the State of MO	10
1641.	Missouri	Construct Chouteau Bridge at Kansas City	6
1642.	Missouri	Construct Mississippi River Bridge at Hannibal	6
1643.	Missouri	Construct Bill Emerson Memorial Bridge	8
1644.	Missouri	Construct Missouri River Bridge at Hermann	5
1645.	Mississippi	Replace functionally obsolete drawbridge with new crossing, High Rise Bridge, at Pascagoula	38
1646.	Montana	Conduct environmental review, planning, design, and construction of the Beartooth Highway in Wyoming and Montana	19.905
1647.	North Carolina	Construct Raleigh Outer Loop (segment D) between NC 50 and SR 2000	8.44
1648.	North Carolina	Construct additional lanes on I-77 between I-85 and NC 73	48
1649.	North Dakota	State Priority Projects	13.138
1650.	Nebraska	Improve Nebraska Highways 8 and 15 in Fairbury	3
1651.	Nebraska	Construct Riverfront Trails and Bridges Along Missouri River from Dodge Park through Omaha to Bellevue	4.786
1652.	New Hampshire	Widen I-93 from Salem to Manchester	1.175
1653.	New Hampshire	Construct Manchester Airport Access Road, Manchester	1
1654.	New Hampshire	Conway bypass/Rte 16 mitigation, Conway	0.5
1655.	New Hampshire	Improve Bridge Street bridge, Plymouth	1
1656.	New Hampshire	Advance completion of Rte 101 project from Raymond to Hampton	2
1657.	New Hampshire	Rehabilitate/reconstruct Bath-Haverhill Bridge, Bath and Haverhill	0.65
1658.	New Hampshire	Construct Manchester Access Rd, Manchester	3.175
1659.	New Hampshire	Construct Orford Bridge, Orford	0.85
1660.	New Jersey	Construct bicycle trails and riverside improvements, West Deptford	0.7
1661.	New Jersey	Construct Del. River tram to link destinations on both sides of Del. River	8
1662.	New Jersey	Construct new ramp between NJ 42 and south section of I-295	14
1663.	New Jersey	Construct roadway network through the Bergen Arches railroad right-of-way, Hudson Cty	26.5
1664.	New Jersey	Relocate/construct Cooper Hospital Med Ctr helipad, Camden	1.5
1665.	Nevada	Canamex Corridor Innovative Urban Renovation Project in Henderson	1.531
1666.	Nevada	Widen US 50 between Fallon and Fernley	1
1667.	Nevada	I-580/U.S. 395 Freeway Extension to Carson City	5
1668.	Nevada	Reconstruction of I-15 Interchange at Sahara Ave. and Rancho Rd. in North Las Vegas	5
1669.	Nevada	Widening of Craig Rd. in North Las Vegas	2
1670.	Nevada	Widen I-15 in San Bernadino County, CA	6
1671.	New York	Reconstruct Springfield Blvd between the LIRR Main Line South to Rockaway Blvd in Queens County	1
1672.	New York	Replace Kennedy-class ferries in Staten Island	2
1673.	New York	Construct Fordham Univ Regional Transportation Facility, Bronx	4
1674.	New York	Construct Hamilton St interchange between Rte 17 and Rte 15 in Erwin	4.4
1675.	New York	Construct intermodal project at Castle Clinton and Battery Pk, NYC	6
1676.	New York	Relocate toll barrier in Williamsville	6.1
1677.	New York	Construct Rte 219 from Springville to Salamanica (Rte 13 to Rte 17)	20
1678.	New York	Design/construct upgraded interchange between I-84 and I-87 nr Stuart Int.'l Airport, Newburg	20
1679.	New York	Renovate/reconstruct James A Farley Post Office, NYC, as new Amtrak Sta	40
1680.	New York	Renovate Hellgate Bridge, NYC	15
1681.	Ohio	Upgrade intersection of US 20 and SR 420, Woodville	5
1682.	Ohio	Improve intersection at SR 327 and US 32, Wellston	3
1683.	Ohio	Upgrade US 20 in Painesville, Perry, and Madison	3

No.	State	Project description	[Dollars in Millions]
1684.	Ohio	Upgrade US 30 and Hill-Diley Road, Lancaster	4
1685.	Ohio	Upgrade Caves Road, Geauga County	2
1686.	Ohio	Upgrade SR 2 between Oregon and Camp Perry	5
1687.	Ohio	Construct intermodal transit center in Cinncinnati	8
1688.	Ohio	High priority highway and bridge projects	34.325
1689.	Ohio	Upgrade intersection of US35 and Fairfield Road	4
1690.	Oklahoma	Reconstruct/widen I-40 Crosstown Bridge and Realignment, Oklahoma City	30.912
1691.	Oregon	Relocate Highway 126 through Redmond	4
1692.	Oregon	Widen U.S. 30 from two lanes to four lanes in Pendleton	7.8
1693.	Oregon	Restore funding for Broadway Bridge Project	2.5
1694.	Oregon	Restore funding for I-5/217 Kruse Way Project	1.75
1695.	Oregon	Restore funding for Astoria Hazard Recovery Railroad Slide	0.175
1696.	Oregon	Restore funding for South Rivergate Overcrossing Project	2
1697.	Oregon	Restore funding for Medford Highway 62/99 Project	4
1698.	Oregon	Restore funding for I-205 Sunnybrooke Interchange Project	1.8
1699.	Pennsylvania	Reconstruction of I-79 from Pa 285 to US 6, Crawford County	1
1700.	Pennsylvania	Relocation of US 15 from US 522 to PA 147 in Snyder, Union, and Northumberland Counties	1
1701.	Pennsylvania	Reconstruct I-81/Davis Street Interchange, Lackawanna County	1
1702.	Pennsylvania	Construct American Parkway Bridge project, Allentown	1
1703.	Pennsylvania	Construct Williams-Lycoming Cty Airport access road from I-80 to the Airport	1
1704.	Pennsylvania	Rehabilitate Streets Run Road for emergency access	0.5
1705.	Pennsylvania	Construct pedestrian bridge, Vine Street Expressway between 15th and 16th Streets	1
1706.	Pennsylvania	North Shore roadway and pedestrian improvements, Pittsburgh	2.505
1707.	Pennsylvania	Widening and reconstruction of US 30, Lancaster County	2.5
1708.	Pennsylvania	Construction of Erie Bayside Connector, Erie County	2
1709.	Pennsylvania	Construct Independence Gateway Transportation Ctr project, Philadelphia	1
1710.	Pennsylvania	Road construction in and around former Bethlehem Steel plant site	3
1711.	Pennsylvania	Roadway and pedestrian improvements for North Shore Central Business District Corridor Transportation Project, Pittsburgh	2.5
1712.	Pennsylvania	Construction at Williamsport Airport, Lycoming County	2
1713.	Pennsylvania	Construct US 322 Conchester Hwy between US 1 and SR 452	3
1714.	Pennsylvania	Construct I-95 access ramps at and around Philadelphia Int'l Airport	5
1715.	Pennsylvania	Reconstruct SR 309 in Eastern Montgomery County	2
1716.	Pennsylvania	Lancaster County airport runway extension	1
1717.	Pennsylvania	Construct safety and capacity improvements to Rte 309 and Old Packhouse Road, including widening of Old Packhouse Road between KidsPeace National Hospital and Rte 309, Lehigh County	1
1718.	Pennsylvania	Construct grade separated interchange on Old Rte 60 at Pgh. Airport, Allegheny County	1
1719.	Pennsylvania	Improvements to SR 412 from I-78 to Bethlehem Steel site and road improvements for rail intermodal facility, Bethlehem	2
1720.	Pennsylvania	Construct new interchange at Settler's Cabin, Allegheny County	1
1721.	Pennsylvania	Improve access and interchange from I-95 to int'l terminal at Philadelphia Int'l Airport	5
1722.	Pennsylvania	Relocate Rte 15 at Selinsgrove and Shamokin Dam, Snyder County	1
1723.	Pennsylvania	Construct access to site of former Philadelphia Naval Shipyard and Base	2
1724.	Pennsylvania	Reconstruct I-80, Mercer and Venango Counties	1
1725.	Pennsylvania	Construct Erie Eastside Connector	3
1726.	Pennsylvania	Reconstruct main line I-179	1
1727.	Pennsylvania	Upgrade US 219 between Meyersdale and Somerset	5
1728.	Pennsylvania	Relocate Rte 222 in/around Trexlertown, Lehigh County	3
1729.	Pennsylvania	Widen Broad Street and related improvements, Hazelton	2
1730.	Pennsylvania	Construct Cranberry Connector, I-79/Rte 19/PA Turnpike, Butler County	2
1731.	Pennsylvania	Construct Warren Street Extension, Reading	3
1732.	Pennsylvania	Construct new lane on Rte 15, Tioga County	5
1733.	Pennsylvania	Construct Mon Fayette Expressway between WV and Fairchance	5
1734.	Pennsylvania	Reconstruct Ft. Pitt Bridge and Tunnel, Pittsburgh	19
1735.	Pennsylvania	Construct new interchange at I-95 and PA Turnpike and related improvements	5
1736.	Rhode Island	Construct Blackstone River bikeway	8.843
1737.	Rhode Island	Construct Woonasquatucket bikeway	3.1
1738.	South Carolina	Replace Cooper River Bridges, Charleston	19.311
1739.	South Dakota	Construct Eastern Dakota Expressway between Aberdeen at I-29	12.832
1740.	South Dakota	Preserve Skyline Drive Scenic Ridgetop in Rapid City	0.5
1741.	South Dakota	Construct new interchange and access road on Interstate 90 at Box Elder	1
1742.	Tennessee	Reconstruction of Old Walland Hwy Bridge over Little River, Townsend	0.42
1743.	Tennessee	Construct pedestrian & bicycle pathway to connect with Miss. River Trail & restore historic cobblestones on the Riverfront, Memphis	0.7
1744.	Tennessee	High priority highway and bridge projects	44.048
1745.	Utah	Construct Phase 2 of the Univ Ave Interchange, Provo	1.5
1746.	Utah	Engineer/reconstruct at Brown's Park Rd, Daggett Cty	0.85
1747.	Utah	Construct Cache Valley Hwy in Logan	1
1748.	Utah	Gateway Redevelopment Area road reconstruction, Salt Lake City	1
1749.	Utah	Widen/improve 123rd/126th South from 700 East to Jordan River, Draper	0.5
1750.	Utah	Construct Cache Valley Hwy in Logan	2
1751.	Utah	Widen/improve 123rd/126th South from Jordan River to Bangerter Hwy in Riverton	0.5
1752.	Utah	Construct underpass at 100 South, in Sandy	1
1753.	Utah	Extend Main St from 5600 South to Vine St, Murray	2
1754.	Utah	Construct Phase 2 of the Univ Ave Interchange, Provo	1
1755.	Utah	Widen 7200 West, Midvale	0.35
1756.	Utah	Construct I-15 interchange at Atkinville	2
1757.	Utah	Improve 5600 West Hwy from 2100 South to 4100 South in West Valley City	1
1758.	Virginia	Construct Southeastern Pkwy and Greenbelt, Virginia Beach	4
1759.	Virginia	Construct Route 288, Richmond	2
1760.	Virginia	Planning/design for Coalfields Expwy, Buchanan, Dickinson, and Wise Ctes	5
1761.	Virginia	Complete no. section of Fairfax Cty Pkwy, Fairfax County	2
1762.	Virginia	Reconstruct SR 168 (Battlefield Blvd), Chesapeake	3
1763.	Virginia	Phase 1 Downtown Staunton Streetscape Plan	0.2
1764.	Virginia	Commuter/freight rail congestion/mitigation project over Quantico Creek	2
1765.	Virginia	Conduct preliminary engineering on I-73 between Roanoke and VA/NC state line	1
1766.	Virginia	Construct I-95/State Rte 627 interchange, Stafford Cty	1
1767.	Virginia	Improve Lee Hwy Corridor in Fairfax	1
1768.	Virginia	Construct Third Bridge/Tunnel Crossing of Hampton Rd	3
1769.	Virginia	Widen I-64 Bland Blvd interchange	3
1770.	Virginia	Construct "Smart Road" in Blacksburg	5
1771.	Virginia	Reconstruct I-66/Rte 29 interchange, Gainesville	15
1772.	Vermont	Upgrade and Improve Publicly-Owned Vermont Rail Infrastructure from Bennington to Burlington	9.168
1773.	Washington	Hood River Bridge SR 35	0.192
1774.	Washington	Port of Kalama River Bridge	0.169
1775.	Washington	Huntington Avenue South Castle Rock	0.138
1776.	Washington	Port of Longview Industrial Rail Corridor	0.477
1777.	Washington	I-5 interchange, Lewis Cty	1.27
1778.	Washington	Safety Improvements to SR 14 Columbia Gorge	0.775
1779.	Washington	Construct 192nd Street from SR 14 to SE 15th, Vancouver	0.962
1780.	Washington	Widen US 395 north of Spokane	1.9
1781.	Washington	Columbia Center Blvd, Kennewick	0.309
1782.	Washington	Construct Washington Pass Visitors Center	0.231
1783.	Washington	Improve Hillsboro Street/Hwy 395 intersection, Pasco	0.682
1784.	Washington	Reconstruct I-82/Keys Road Intersection, Yakima	1.663
1785.	Washington	Construct Sequim/Dungeness Valley Trail Project	0.192
1786.	Washington	Widen SR 99 between 148th Street and King County Line, Lynnwood	0.577
1787.	Washington	Improve I-5/196th Street Interchange, Lynnwood	0.866
1788.	Washington	Construct SR 305 corridor improvement, Poulsboro	0.673
1789.	Washington	Edmonds Crossing multi-modal transportation project	0.962
1790.	Washington	Construct Cross Base Corridor Ft. Lewis/McChord AFB	0.115
1791.	Washington	Reconstruct I-5 Interchange, City of Lacey	0.288
1792.	Washington	Construct SR 167 Corridor	0.288
1793.	Washington	Southworth Seattle Ferry	0.962
1794.	Washington	Undertake SR 166 Slide Repair	1.25

No.	State	Project description	[Dollars in Millions]
1795.	Washington	Construct SR 7 Elbe rest area and interpretive facility	0.15
1796.	Washington	Extend Mill Plain Blvd, Vancouver	1
1797.	Washington	Construct I-405/NE 8th Street Interchange, Bellevue	5.875
1798.	Washington	Improve I-90/Sunset Way Interchange, Issaquah	4.95
1799.	Washington	Clinton Ferry Terminal	1.2
1800.	Washington	8th Street East Pierce County	0.25
1801.	Washington	Shaw Road Puyallup extension	0.375
1802.	Washington	180th, Tukwila	0.5
1803.	Washington	South 277th, Auburn (UP)	0.5
1804.	Washington	South 277th, Auburn (BNSF)	0.5
1805.	Washington	Construct Southwest Third Street	0.75
1806.	Washington	Construct Port of Tacoma Road	1.125
1807.	Washington	Construct North Duwamish Intermodal Project	4
1808.	West Virginia	Construct Coalfields Expressway	22.69
1809.	Wyoming	State Priority Projects	13.934
1810.	New Mexico	Construct Rio Rancho Highway	20
1811.	Massachusetts	Reconsruct Huntington Avenue	1
1812.	Texas	Relocate railroad Bryan/College Station at Texas A&M or any other high priority project in Texas	10
1813.	Texas	High priority highway and bridge projects	133.863
1814.	Arizona	High priority highway and bridge projects	31.076
1815.	Delaware	High priority highway and bridge projects	8.868
1816.	Hawaii	High priority highway and bridge projects	10.379
1817.	Wisconsin	High priority highway and bridge projects	39.926
1818.	Arkansas	High priority highway and bridge projects	15
1819.	Maine	High priority highway and bridge projects	10
1820.	Texas	Relocate railroad line in Bryan and College Station, Texas A&M University	15
1821.	Virginia	High priority highway and bridge projects	5
1822.	New Hampshire	High priority highway and bridge projects	5
1823.	Idaho	High priority highway and bridge projects	5
1824.	Arkansas	Conduct Seismic Design and Deployment Projects	5
1825.	Missouri	High priority highway and bridge projects	10
1826.	Wyoming	High priority highway and bridge projects	5
1827.	Rhode Island	Construct pedestrian and Bicycle Facilities	5
1828.	Oklahoma	High priority highway and bridge projects	5
1829.	Colorado	High priority highway and bridge projects	5
1830.	Alabama	Develop Huntsville Southern Bypass	1
1831.	Alabama	Replace bridge over Tombigbee River, Naheola	1
1832.	Alabama	Construct Anniston Eastern Bypass	1
1833.	Alabama	Construct East Foley Corridor Project from Baldwin County Highway 20 to State Highway 59 in Alabama	0.75
1834.	Alabama	Construct Decatur Southern Bypass	1
1835.	Alabama	Construct Montgomery Outer Loop from US 80 to I-85 via I-65	1
1836.	Alabama	Develop Birmingham Northern Beltline	1.45
1837.	Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	1
1838.	Alabama	Create National University Transportation Center at the University of Alabama	1.8
1839.	Alabama	University at Alabama at Birmingham-Trauma Care Center	2.25
1840.	Alabama	Conduct advance vehicle transportation research program at the University of Alabama Tuscaloosa	2
1841.	Alabama	Conduct asphalt research program at Auburn University	0.5
1842.	Alabama	Conduct Global Climate Reserach Program at the University of Alabama at Huntsville	0.25
1843.	California	Conduct Golden Gate Seismic Retrofit Project	26
1844.	Oregon	Prepare and preserve high priority highways	30
1845.	South Dakota	Construct Eastern Dakota Expressway from Aberdeen to I-29	23.768
1846.	Massachusetts	High priority highway and bridges	25
1847.	Pennsylvania	Reconstruct and improve I-95 in Delaware, Philadelphia and Bucks Counties, Pennsylvania	50
1848.	Pennsylvania	Reconstruct and improve US-22 in Westmoreland and Indiana Counties, Pennsylvania	50
1849.	South Carolina	Replace Cooper River Bridges, Charleston	20
1850.	Alaska	Construct Bradfield Canal Road	1

SEC. 1603. SPECIAL RULE.

For purposes of calculating the minimum guarantee apportionment under section 105 of title 23, United States Code, the Secretary shall not include projects numbered 1818 through 1849 in section 1602.

TITLE II—HIGHWAY SAFETY

SEC. 2001. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) of title 23, United States Code, is amended—

(1) in the fourth sentence by striking ''(4) to'' and inserting ''(4) to prevent accidents and'';

(2) in the eighth sentence by striking ''include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and''; and

(3) in the twelfth sentence by inserting ''enforcement of light transmission standards of window glazing for passenger motor vehicles and light trucks as necessary to improve highway safety,'' before ''and emergency services''.

(b) ADMINISTRATION OF STATE PROGRAMS.—Section 402(b) of such title is amended—

(1) by striking ''(b)(1)'' and all that follows through paragraph (2) and inserting the following:

''(b) ADMINISTRATION OF STATE PROGRAMS.—'';

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively;

(3) in paragraph (1)(C) (as so redesignated) by striking ''paragraph (5)'' and inserting ''paragraph (3)''; and

(4) in paragraph (2) (as so redesignated) by striking ''paragraph (3)(C)'' and inserting ''paragraph (1)(C)''.

(c) APPORTIONMENT OF FUNDS.—The sixth sentence of section 402(c) of such title is amended by inserting ''the apportionment to the Secretary of the Interior shall not be less than three-fourths of 1 percent of the total apportionment and'' after ''except that''.

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

''(i) APPLICATION IN INDIAN COUNTRY.—

''(1) USE OF TERMS.—For the purpose of application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe.

''(2) EXPENDITURES FOR LOCAL HIGHWAY PROGRAMS.—Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions.

''(3) ACCESS FOR INDIVIDUALS WITH DISABILITIES.—The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

''(4) INDIAN COUNTRY DEFINED.—In this subsection, the term 'Indian country' means—

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

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

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

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

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

(f) HIGHWAY SAFETY EDUCATION AND INFORMATION.—

(1) IN GENERAL.—For fiscal years 1999 and 2000, the Secretary shall allow any State to use funds apportioned to the State under section 402 of title 23, United States Code, to purchase television and radio time for highway safety public service messages.

(2) REPORTS BY STATES.—Any State that uses funds described in paragraph (1) for purchasing television and radio time for highway safety public service messages shall submit to the Secretary a report describing, and assessing the effectiveness of, the messages.

(3) STUDY.—Based on information contained in the reports submitted under paragraph (2), the Secretary shall prepare and transmit to Congress a report on the effectiveness of purchasing television and radio time for highway safety public service messages using funds described in paragraph (1).

SEC. 2002. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

(a) AUTHORITY OF THE SECRETARY.—Section 403(a)(2)(A) of title 23, United States Code, is amended by inserting '', including training in work zone safety management'' after ''personnel''.

(b) DRUGS AND DRIVER BEHAVIOR.—

(1) IN GENERAL.—Section 403(b) of such title is amended by adding at the end the following:

''(3) Measures that may deter drugged driving.

''(4) Programs to train law enforcement officers on motor vehicle pursuits conducted by the officers.''.

(2) REPORTS OF FEDERAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of Capitol Police, and the Administrator of General Services shall each transmit to Congress a report containing—

(A) the policy of the department or agency headed by that individual concerning motor vehicle pursuits by law enforcement officers of that department or agency; and

(B) a description of the procedures that the department or agency uses to train law enforcement officers in the implementation of the policy referred to in subparagraph (A).

SEC. 2003. OCCUPANT PROTECTION.

(a) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by inserting after section 404 the following:

''§ 405. Occupant protection incentive grants

''(a) GENERAL AUTHORITY.—

''(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants under this section to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

''(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Transportation Equity Act for the 21st Century.

''(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

''(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

''(A) in each of the first and second fiscal years in which the State receives a grant under this section, 75 percent;

''(B) in each of the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

''(C) in each of the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

''(b) GRANT ELIGIBILITY.—A State shall become eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary at least 4 of the following:

''(1) SAFETY BELT USE LAW.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and, beginning in fiscal year 2001, in any seat in the vehicle) does not have a safety belt properly secured about the individual's body.

''(2) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of the safety belt use law of the State.

''(3) MINIMUM FINE OR PENALTY POINTS.—The State imposes a minimum fine or provides for the imposition of penalty points against the driver's license of an individual—

''(A) for a violation of the safety belt use law of the State; and

''(B) for a violation of the child passenger protection law of the State.

''(4) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

''(5) CHILD PASSENGER PROTECTION EDUCATION PROGRAM.—The State has implemented a statewide comprehensive child passenger protection education program that includes education programs about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems.

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

''(c) GRANT AMOUNTS.—The amount of a grant for which a State qualifies under this section for a fiscal year shall equal up to 25 percent of the amount apportioned to the State for fiscal year 1997 under section 402.

''(d) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

''(e) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) CHILD SAFETY SEAT.—The term 'child safety seat' means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

''(2) MOTOR VEHICLE.—The term '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.

''(3) MULTIPURPOSE PASSENGER VEHICLE.—The term 'multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

''(4) PASSENGER CAR.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

''(5) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

''(6) SAFETY BELT.—The term 'safety belt' means—

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

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

(2) CONFORMING AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 404 the following:

''405. Occupant protection incentive grants.''.

(b) CHILD PASSENGER PROTECTION EDUCATION GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in paragraph (2) through—

(A) the child passenger protection program of the State; and

(B) at the option of the State, a grant program established by the State to carry out 1 or more of the activities specified in paragraph (2) by a political subdivision of the State or an appropriate private entity.

(2) USE OF FUNDS.—Funds provided to a State as a grant under this subsection shall be used to implement child passenger protection programs that—

(A) are designed to prevent deaths and injuries to children;

(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;

(ii) appropriate child restraint design, selection, and placement; and

(iii) harness threading and harness adjustment on child restraints; 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) GRANT AWARDS.—The Secretary may make a grant under this subsection without regard to whether a State is eligible to receive, or has received, a grant under section 405 of title 23, United States Code (as inserted by subsection (a) of this section).

(4) FEDERAL SHARE.—The Federal share of the cost of a program carried out using funds made available from a grant under this subsection may not exceed 80 percent.

(5) REPORT.—Each State that receives a grant under this subsection shall transmit to the Secretary a report for the period covered by the grant that, at a minimum, describes the program activities carried out with the funds made available under the grant.

(6) REPORT TO CONGRESS.—Not later than June 1, 2002, the Secretary shall transmit to Congress a report on the implementation of this subsection that includes a description of the programs carried out and materials developed and distributed by the States that receive grants under this subsection.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $7,500,000 for each of fiscal years 2000 and 2001.

SEC. 2004. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

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

''§ 410. Alcohol-impaired driving countermeasures

''(a) GENERAL AUTHORITY.—

''(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

''(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Transportation Equity Act for the 21st Century.

''(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

''(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

''(A) in each of the first and second fiscal years in which the State receives a grant under this section, 75 percent;

''(B) in each of the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

''(C) in each of the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

''(b) BASIC GRANT ELIGIBILITY.—

''(1) BASIC GRANT A.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following:

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

''(i) in the case of an individual who, in any 5-year period beginning after the date of enactment of the Transportation Equity Act for the 21st Century, is determined on the basis of a chemical test to have been operating a motor vehicle while under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

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

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

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

''(B) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such system may include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 or older and the issuance of drivers' licenses that are tamper resistant.

''(C) ENFORCEMENT PROGRAM.—Either—

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

''(ii) a statewide special traffic enforcement program for impaired driving that emphasizes publicity for the program.

''(D) GRADUATED LICENSING SYSTEM.—A 3-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first 2 stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

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

''(F) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessments of first time offenders; and incorporation of treatment into judicial sentencing.

''(G) TESTING FOR BAC.—An effective system for increasing the rate of testing of the blood alcohol concentrations of motor vehicle drivers involved in fatal accidents and, in fiscal year 2001 and each fiscal year thereafter, a rate of such testing that is equal to or greater than the national average.

''(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary each of the following:

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

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

''(3) BASIC GRANT AMOUNT.—The amount of a basic grant made to a State for a fiscal year under this subsection shall equal up to 25 percent of the amount apportioned to the State for fiscal year 1997 under section 402.

''(c) SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—Upon receiving an application from a State, the Secretary may make supplemental grants to the State for meeting 1 or more of the following criteria:

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

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

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

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

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

''(F) OTHER PROGRAMS.—The State provides for other innovative programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances, including programs that seek to achieve such a reduction through legal, judicial, enforcement, educational, technological, or other approaches.

''(2) ELIGIBILITY.—A State shall be eligible to receive a grant under this subsection in a fiscal year only if the State is eligible to receive a grant under subsection (b) in such fiscal year.

''(3) FUNDING.—Of the amounts made available to carry out this section in a fiscal year, not to exceed 10 percent shall be available for making grants under this subsection.

''(d) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

''(e) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning given such term in section 158(c).

''(2) CONTROLLED SUBSTANCES.—The term 'controlled substances' has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(3) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term in section 405.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998.

SEC. 2005. STATE HIGHWAY SAFETY DATA IMPROVEMENTS.

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is further amended by adding at the end the following:

''§411. State highway safety data improvements

''(a) GENERAL AUTHORITY.—

''(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs—

''(A) to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data of the State that is needed to identify priorities for national, State, and local highway and traffic safety programs;

''(B) to evaluate the effectiveness of efforts to make such improvements;

''(C) to link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical and economic data; and

''(D) to improve the compatibility of the data system of the State with national data systems and data systems of other States and to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

Such grants may be used by recipient States only to implement such programs.

''(2) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances. In order to become eligible for a grant under this section, a State shall demonstrate how the multiyear highway safety data and traffic records plan of the State described in subsection (b)(1) will be incorporated into data systems of the State.

''(3) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Transportation Equity Act for the 21st Century.

''(4) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

''(5) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by

a State pursuant to paragraph (1) shall not exceed—

''(A) in the first and second fiscal years in which the State receives a grant under this section, 75 percent;

''(B) in the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

''(C) in the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

''(b) FIRST-YEAR GRANTS.—

''(1) ELIGIBILITY.—A State shall become eligible for a first-year grant under this subsection in a fiscal year if the State either—

''(A) demonstrates, to the satisfaction of the Secretary, that the State has—

''(i) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership, including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities);

''(ii) completed, within the preceding 5 years, a highway safety data and traffic records assessment or an audit of the highway safety data and traffic records system of the State; and

''(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan that—

''(I) identifies and prioritizes the highway safety data and traffic records needs and goals of the State;

''(II) identifies performance-based measures by which progress toward those goals will be determined; and

''(III) will be submitted to the highway safety data and traffic records coordinating committee of the State for approval; or

''(B) provides, to the satisfaction of the Secretary—

''(i) a certification that the State has met the requirements of clauses (i) and (ii) of subparagraph (A);

''(ii) a multiyear highway safety data and traffic records strategic plan that—

''(I) meets the requirements of subparagraph (A)(iii); and

''(II) specifies how the incentive funds of the State for the fiscal year will be used to address needs and goals identified in the plan; and

''(iii) a certification that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan described in clause (ii).

''(2) GRANT AMOUNTS.—The amount of a first-year grant made to a State for a fiscal year under this subsection shall equal—

''(A) if the State is eligible for the grant under paragraph (1)(A), $125,000; and

''(B) if the State is eligible for the grant under paragraph (1)(B), an amount determined by multiplying—

''(i) the amount appropriated to carry out this section for such fiscal year; by

''(ii) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State eligible for a grant under paragraph (1)(B) shall receive less than $250,000.

''(3) STATES NOT MEETING CRITERIA.—The Secretary may award a grant of up to $25,000 for 1 year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable the State to qualify for a first-year grant in the next fiscal year.

''(c) SUCCEEDING YEAR GRANTS.—

''(1) ELIGIBILITY.—A State shall be eligible for a grant under this subsection in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State, to the satisfaction of the Secretary—

''(A) submits or updates a multiyear highway safety data and traffic records strategic plan that meets the requirements of subsection (b)(1);

''(B) certifies that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan; and

''(C) reports annually on the progress of the State in implementing the multiyear plan.

''(2) GRANT AMOUNTS.—The amount of a succeeding year grant made to the State for a fiscal year under this paragraph shall equal the amount determined by multiplying—

''(A) the amount appropriated to carry out this section for such fiscal year; by

''(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State eligible for a grant under this paragraph shall receive less than $225,000.

''(c) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

''(d) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''411. State highway safety data improvements.''.

SEC. 2006. NATIONAL DRIVER REGISTER.

(a) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—Section 30302 of title 49, United States Code, is amended by adding at the end the following:

''(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—

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

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

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

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

''(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.''.

(b) ACCESS TO REGISTER INFORMATION.—

(1) CONFORMING AMENDMENTS.—Section 30305(b) of title 49, United States Code, is amended—

(A) in paragraph (2) by inserting before the period at the end the following: '', unless the information is about a revocation or suspension still in effect on the date of the request'';

(B) in paragraph (8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908)—

(i) by striking ''paragraph (2)'' and inserting ''subsection (a) of this section''; and

(ii) by moving the text of such paragraph 2 ems to the left; and

(C) by redesignating paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9).

(2) FEDERAL AGENCY ACCESS PROVISION.—Section 30305(b) of title 49, United States Code, is further amended—

(A) by redesignating paragraph (6) as paragraph (10) and inserting such paragraph after paragraph (9);

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

''(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).''; and

(C) by adding at the end the following:

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

(c) EVALUATION AND ASSESSMENT OF ALTERNATIVES.—

(1) EVALUATION.—The Secretary shall evaluate the implementation of chapter 303 of title 49, United States Code, and the programs under sections 31106 and 31309 of such title and identify alternatives to improve the ability of the States to exchange information about unsafe drivers and to identify drivers with multiple licenses.

(2) TECHNOLOGY ASSESSMENT.—The Secretary, in conjunction with the American Association of Motor Vehicle Administrators, shall conduct an assessment of available electronic technologies to improve access to and exchange of motor vehicle driving records. The assessment may consider alternative unique motor vehicle driver identifiers that would facilitate accurate matching of drivers and their records.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the evaluation and technology assessment, together with any recommendations for appropriate administrative and legislative actions.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (2) $250,000 in the aggregate for fiscal years beginning after September 30, 1998.

SEC. 2007. SAFETY STUDIES.

(a) BLOWOUT RESISTANT TIRES STUDY.—The Secretary shall conduct a study on the benefit to public safety of the use of blowout resistant tires on commercial motor vehicles and the potential to decrease the incidence of accidents

and fatalities from accidents occurring as a result of blown out tires.

(b) SCHOOL BUS OCCUPANT SAFETY STUDY.—The Secretary shall conduct a study to assess occupant safety in school buses. The study shall examine available information about occupant safety and analyze options for improving occupant safety.

(c) REPORTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of each study conducted under this section.

(d) LIMITATION ON FUNDING.—The Secretary may not expend more than $200,000, from funds made available by section 403 of title 23, United States Code, for conducting each study under this section.

SEC. 2008. EFFECTIVENESS OF LAWS ESTABLISHING MAXIMUM BLOOD ALCOHOL CONCENTRATIONS.

(a) STUDY.—The Comptroller General shall conduct a study to evaluate the effectiveness of State laws that—

(1) deem any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle to be driving while intoxicated; and

(2) deem any individual under the age of 21 with a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle to be driving while intoxicated;

in reducing the number and severity of alcohol-involved crashes.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the study conducted under this section.

SEC. 2009. AUTHORIZATIONS OF APPROPRIATIONS.

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

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, $149,700,000 for fiscal year 1998, $150,000,000 for fiscal year 1999, $152,800,000 for fiscal year 2000, $155,000,000 for fiscal year 2001, $160,000,000 for fiscal year 2002, and $165,000,000 for fiscal year 2003.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code, $72,000,000 for each of fiscal years 1998 through 2003.

(3) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of title 23, United States Code, $10,000,000 for each of fiscal years 1999 and 2000, $13,000,000 for fiscal year 2001, $15,000,000 for fiscal year 2002, and $20,000,000 for fiscal year 2003.

(4) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—For carrying out section 410 of title 23, United States Code, $34,500,000 for fiscal year 1998, $35,000,000 for fiscal year 1999, $36,000,000 for each of fiscal years 2000 and 2001, $38,000,000 for fiscal year 2002, and $40,000,000 for fiscal year 2003.

(5) STATE HIGHWAY SAFETY DATA GRANTS.—For carrying out section 411 of title 23, United States Code, $5,000,000 for fiscal year 1999, $8,000,000 for fiscal year 2000, $9,000,000 for fiscal year 2001, and $10,000,000 for fiscal year 2002.

(6) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, $2,000,000 for each of fiscal years 1998 through 2003.

(b) ALLOCATIONS.—

(1) DRUGS AND DRIVER BEHAVIOR.—Out of amounts appropriated pursuant to subsection (a)(2) for fiscal years 1998 through 2003, the Secretary may use—

(A) not to exceed $2,000,000 per fiscal year to carry out paragraphs (1) through (3) of section 403(b) of title 23, United States Code; and

(B) not to exceed $1,000,000 per fiscal year to carry out paragraph (4) of such section.

(2) PUBLIC EDUCATION EFFORT.—Out of amounts appropriated pursuant to subsection (a)(2) for fiscal years 1998 through 2003, the Secretary shall obligate at least $500,000 per fiscal year to educate the motoring public on how to share the road safely with commercial motor vehicles.

(c) APPLICABILITY OF TITLE 23.—Amounts made available under subsection (a)(2) for each of fiscal years 1999 through 2003 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (3), (4), or (5) of subsection (a) to the amounts made available under any other of such paragraphs in order to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which the State is eligible under sections 405, 410, and 411 of title 23, United States Code.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Federal Transit Act of 1998''.

SEC. 3002. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically 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 of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3003. DEFINITIONS.

Section 5302 is amended to read as follows:

''§ 5302. Definitions

''(a) IN GENERAL.—In this chapter, the following definitions apply:

''(1) CAPITAL PROJECT.—The term 'capital project' means a project for—

''(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in mass transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

''(B) rehabilitating a bus;

''(C) remanufacturing a bus;

''(D) overhauling rail rolling stock;

''(E) preventive maintenance;

''(F) leasing equipment or a facility for use in mass transportation, subject to regulations that the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than purchase or construction;

''(G) 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 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 provides a fair share of revenue for mass transportation that will be used for mass transportation—

''(i) including property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, safety and security equipment and facilities (including lighting, surveillance and related intelligent transportation system applications), facilities that incorporate community services such as daycare and health care, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall, except that a person making an agreement to occupy space in a facility under this subparagraph shall pay a reasonable share of the costs of the facility through rental payments and other means; and

''(ii) excluding construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation;

''(H) the introduction of new technology, through innovative and improved products, into mass transportation; or

''(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient's annual formula apportionment under sections 5307 and 5311.

''(2) CHIEF EXECUTIVE OFFICER OF A STATE.—The term 'chief executive officer of a State' includes the designee of the chief executive officer.

''(3) EMERGENCY REGULATION.—The term 'emergency regulation' means a regulation—

''(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(b); and

''(B) prescribed by the Secretary as the result of a finding that a delay in the effective date of the regulation—

''(i) would injure seriously an important public interest;

''(ii) would frustrate substantially legislative policy and intent; or

''(iii) would damage seriously a person or class without serving an important public interest.

''(4) FIXED GUIDEWAY.—The term 'fixed guideway' means a mass transportation facility—

''(A) using and occupying a separate right-of-way or rail for the exclusive use of mass transportation and other high occupancy vehicles; or

''(B) using a fixed catenary system and a right-of-way usable by other forms of transportation.

''(5) HANDICAPPED INDIVIDUAL.—The term 'handicapped individual' means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory

capability), cannot use effectively, without special facilities, planning, or design, mass transportation service or a mass transportation facility.

''(6) LOCAL GOVERNMENTAL AUTHORITY.—The term 'local governmental authority' includes—

''(A) a political subdivision of a State;

''(B) an authority of at least 1 State or political subdivision of a State;

''(C) an Indian tribe; and

''(D) a public corporation, board, or commission established under the laws of a State.

''(7) MASS TRANSPORTATION.—The term 'mass transportation' means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation.

''(8) NET PROJECT COST.—The term 'net project cost' means the part of a project that reasonably cannot be financed from revenues.

''(9) NEW BUS MODEL.—The term 'new bus model' means a bus model (including a model using alternative fuel)—

''(A) that has not been used in mass transportation in the United States before the date of production of the model; or

''(B) used in mass transportation in the United States, but being produced with a major change in configuration or components.

''(10) PUBLIC TRANSPORTATION.—The term 'public transportation' means mass transportation.

''(11) REGULATION.—The term 'regulation' means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(13) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

''(14) TRANSIT.—The term 'transit' means mass transportation.

''(15) TRANSIT ENHANCEMENT.—The term 'transit enhancement' means, with respect to any project or an area to be served by a project, projects that are designed to enhance mass transportation service or use and that are physically or functionally related to transit facilities. Eligible projects are—

''(A) historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities);

''(B) bus shelters;

''(C) landscaping and other scenic beautification, including tables, benches, trash receptacles, and street lights;

''(D) public art;

''(E) pedestrian access and walkways;

''(F) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles;

''(G) transit connections to parks within the recipient's transit service area;

''(H) signage; and

''(I) enhanced access for persons with disabilities to mass transportation.

''(16) URBAN AREA.—The term 'urban area' means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local mass transportation system to serve individuals in the locality.

''(17) URBANIZED AREA.—The term 'urbanized area' means an area—

''(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

''(B) designated as an urbanized area within boundaries fixed by State and local officials and approved by the Secretary.

''(b) AUTHORITY TO MODIFY 'HANDICAPPED INDIVIDUAL'.—The Secretary may by regulation modify the definition of the term 'handicapped individual' in subsection (a)(5) as it applies to section 5307(d)(1)(D).''.

SEC. 3004. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS; SCOPE OF PLANNING PROCESS.—Section 5303 is amended by striking subsections (a) and (b) and inserting the following:

''(a) GENERAL REQUIREMENTS.—

''(1) DEVELOPMENT OF PLANS AND PROGRAMS.—To carry out section 5301(a), metropolitan planning organizations designated under subsection (c), in cooperation with the States and mass transportation operators, shall develop transportation plans and programs for urbanized areas of the State.

''(2) 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) PROCESS.—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.—

''(1) IN GENERAL.—The metropolitan transportation planning process for a metropolitan area under this section shall provide for consideration of projects and strategies that will—

''(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

''(B) increase the safety and security of the transportation system for motorized and nonmotorized users;

''(C) increase the accessibility and mobility options available to people and for freight;

''(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

''(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

''(F) promote efficient system management and operation; and

''(G) emphasize the preservation of the existing transportation system.

''(2) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a transportation improvement plan, a project or strategy, or the certification of a planning process.''.

(b) DESIGNATING METROPOLITAN PLANNING ORGANIZATIONS.—Section 5303(c) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''representing'' and inserting ''that together represent''; and

(B) by striking ''as defined by the Secretary of Commerce)'' and inserting ''or cities, as defined by the Bureau of the Census)'';

(2) in paragraph (2)—

(A) 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

(B) by striking ''officials of authorities'' and inserting ''officials of public agencies'';

(3) in paragraph (3) by striking ''in an urbanized area'' and all that follows through ''of the urbanized area'' and inserting ''within an existing metropolitan planning area only if the chief executive officer of the State and the existing metropolitan organization determine that the size and complexity of the existing metropolitan planning area''; and

(4) in paragraph (5)—

(A) in subparagraph (A)—

(i) by striking ''representing'' and inserting ''that together represent''; and

(ii) by striking ''as defined by the Secretary of Commerce)'' and inserting ''or cities, as defined by the Bureau of the Census)'';

(B) in subparagraph (B) by striking ''as defined by the Secretary of Commerce)'' and inserting ''or cities, as defined by the Bureau of the Census)''; and

(C) 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) METROPOLITAN AREA BOUNDARIES.—Section 5303(d) is amended—

(1) in the subsection heading by inserting ''PLANNING'' before ''AREA'';

(2) in the first sentence—

(A) by striking ''To carry out'' and inserting the following:

''(1) IN GENERAL.—To carry out''; and

(B) by inserting ''planning'' before ''area'';

(3) by striking the second sentence and all that follows and inserting the following:

''(2) INCLUDED AREA.—Each metropolitan planning area—

''(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

''(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

''(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the chief executive officer of the State and any affected metropolitan planning organizations, in the manner described in subsection (c)(5).

''(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of this paragraph as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, the boundaries of the metropolitan planning area—

''(A) shall be established in the manner described in subsection (c)(1);

''(B) shall encompass the areas described in paragraph (2)(A);

''(C) may encompass the areas described in paragraph (2)(B); and

''(D) may address any nonattainment area identified under the Clean Air Act for ozone or carbon monoxide.''; and

(4) by aligning paragraph (1) (as designated by paragraph (2)(A) of this subsection) with paragraphs (2) through (4) (as inserted by paragraph (3) of this subsection).

(d) COORDINATION.—Section 5303(e) is amended—

(1) in paragraph (2)—

(A) by inserting ''or compact'' after ''agreement'' the first place it appears''; and

(B) by striking ''making the agreement effective'' and inserting ''making the agreements and compacts effective''; and

(2) by adding at the end the following:

''(4) The Secretary shall encourage each metropolitan planning organization to coordinate, to the maximum extent practicable, the design and delivery of transportation services within the metropolitan planning area that are provided—

''(A) by recipients of assistance under this chapter; and

''(B) by governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Governmental assistance from a source other than the Department of Transportation to provide non-emergency transportation services.''.

(e) DEVELOPING LONG-RANGE TRANSPORTATION PLANS.—Section 5303(f) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking ''United States and regional transportation functions'' and inserting ''national, regional, and metropolitan transportation functions'';

(B) in subparagraph (B) by striking clause (iii) and inserting the following:

''(iii) recommends any additional financing strategies for needed projects and programs;''; and

(C) 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'';

(2) 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'';

(3) in paragraph (4)—

(A) by inserting after ''employees,'' the following: ''freight shippers, providers of freight transportation services,''; and

(B) by inserting after ''private providers of transportation,'' the following: ''representatives of users of public transit,'';

(4) in paragraph (5)(A) by inserting ''published or otherwise'' before ''made readily available'';

(5) in the subsection heading by striking ''LONG-RANGE PLANS'' and inserting ''LONG-RANGE TRANSPORTATION PLANS''; and

(6) by striking ''long-range plans'' each place it appears and inserting ''long-range transportation plans''.

SEC. 3005. TRANSPORTATION IMPROVEMENT PROGRAM.

(a) DEVELOPMENT AND UPDATE.—The second sentence of section 5304(a) is amended—

(1) 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) by inserting after ''employees,'' the following: ''other affected employee representatives, freight shippers, providers of freight transportation services,''; and

(3) by inserting after ''private providers of transportation,'' the following: ''representatives of users of public transit,''.

(b) CONTENTS.—Section 5304(b)(2) is amended by striking subparagraph (C) and inserting the following:

''(C) identifies innovative financing techniques to finance projects, programs, and strategies, which may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available.''.

(c) PROJECT SELECTION.—Section 5304(c) is amended—

(1) by striking paragraph (1) and inserting the following: ''(1) Except as otherwise provided in section 5305(d)(1) and in addition to the transportation improvement program development required under subsection (b), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

''(A) by—

''(i) in the case of projects under title 23, the State; and

''(ii) in the case of projects under this chapter, the designated transit funding recipients; and

''(B) in cooperation with the metropolitan planning organization.''; and

(2) 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 in the program.

''(4) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding subsection (b)(2)(C), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subsection (b)(2)(C).

''(5) PUBLICATION.—(A) A transportation improvement program involving Government participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

''(B) An annual listing of projects for which Government funds have been obligated in the preceding year shall be published or otherwise made available by the metropolitan planning organization for public review. The listing shall be consistent with the categories identified in the transportation improvement program.

''(6) 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.''.

SEC. 3006. TRANSPORTATION MANAGEMENT AREAS.

(a) DESIGNATION.—Section 5305(a) is amended 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.''.

(b) TRANSPORTATION PLANS AND PROGRAMS.—Section 5305(b) is amended by inserting ''affected'' before ''mass transportation operators''.

(c) CONGESTION MANAGEMENT SYSTEM.—Section 5305(c) is amended by striking ''The Secretary'' and all that follows through the final period.

(d) PROJECT SELECTION.—Section 5305(d)(1)(A) is amended by inserting ''and any affected mass transportation operator'' after ''the State''.

(e) CERTIFICATION.—Section 5305(e) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2)(A) If a metropolitan planning process is not certified, 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.

''(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.''; and

(2) by adding at the end the following:

''(4) In making certification determinations under this subsection, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.''.

(f) CONTINUATION OF CURRENT REVIEW PRACTICE.—Section 5305 is amended by adding at the end the following:

''(h) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under such Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

SEC. 3007. URBANIZED AREA FORMULA GRANTS.

(a) SECTION HEADING.—

(1) AMENDMENT TO SECTION 5307.—Section 5307 is amended by striking the section heading and inserting the following:

''§ 5307. Urbanized area formula grants''.

(2) CONFORMING AMENDMENT.—The item relating to section 5307 in the table of sections for chapter 53 is amended to read as follows:

''5307. Urbanized area formula grants.''.

(b) DEFINITIONS.—Section 5307(a) is amended—

(1) by striking ''In this section—'' and inserting ''In this section, the following definitions apply:'';

(2) by inserting ''ASSOCIATED CAPITAL MAINTENANCE ITEMS.—The term'' after ''(1)''; and

(3) by inserting ''DESIGNATED RECIPIENT.—The term'' after ''(2)''.

(c) GENERAL AUTHORITY.—Section 5307(b) is amended—

(1) in paragraph (1)—

(A) by striking '', improvement, and operating costs'' and inserting ''and improvement costs''; and

(B) 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.'';

(2) in paragraph (2)(A)—

(A) by inserting '', in writing,'' after ''approved''; and

(B) by striking ''and'' at the end;

(3) in paragraph (2)(B) by striking the period at the end and inserting ''; and'';

(4) in paragraph (2) by adding at the end the following:

''(C) the metropolitan planning organization in approving the use under subparagraph (A) determines that the local transit needs are being addressed.'';

(5) by striking paragraphs (3) and (5); and

(6) by redesignating paragraph (4) as paragraph (3).

(d) ADVANCE CONSTRUCTION.—Section 5307(g)(3) is amended by striking ''the amount by which'' and all that follows through the period at the end and inserting ''the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.''.

(e) COORDINATION OF REVIEWS.—Section 5307(i)(2) is amended by adding at the end the following: ''To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.''.

(f) TRANSIT ENHANCEMENT ACTIVITIES.—Section 5307(k) is amended to read as follows:

''(k) TRANSIT ENHANCEMENT ACTIVITIES.—

''(1) IN GENERAL.—One percent of the funds apportioned to urbanized areas with a population of at least 200,000 under section 5336 for a fiscal year shall be made available for transit enhancement activities in accordance with section 5302(a)(15).

''(2) PERIOD OF AVAILABILITY.—Funds apportioned under paragraph (1) shall be available for obligation for 3 years following the fiscal year in which the funds are apportioned. Funds

that are not obligated at the end of such period shall be reapportioned under the urbanized area formula program of section 5336.

''(3) REPORT.—A recipient of funds apportioned under paragraph (1) shall submit, as part of the recipient's annual certification to the Secretary, a report listing the projects carried out during the fiscal year with those funds.''.

(g) CONFORMING AMENDMENTS.—Section 5307(n)(2) is amended by inserting ''5319,'' after ''5318,''.

SEC. 3008. CLEAN FUELS FORMULA GRANT PROGRAM.

(a) IN GENERAL.—Section 5308 is amended to read as follows:

''§ 5308. Clean fuels formula grant program

''(a) DEFINITIONS.—In this section—

''(1) the term 'clean fuel vehicle' means a vehicle that—

''(A) is powered by—

''(i) compressed natural gas;

''(ii) liquefied natural gas;

''(iii) biodiesel fuels;

''(iv) batteries;

''(v) alcohol-based fuels;

''(vi) hybrid electric;

''(vii) fuel cell;

''(viii) clean diesel, to the extent allowed under this section; or

''(ix) other low or zero emissions technology; and

''(B) the Administrator of the Environmental Protection Agency has certified sufficiently reduces harmful emissions;

''(2) the term 'designated recipient' has the same meaning as in section 5307(a)(2); and

''(3) the term 'eligible project'—

''(A) means a project for—

''(i) purchasing or leasing clean fuel buses, including buses that employ a lightweight composite primary structure;

''(ii) constructing or leasing clean fuel buses or electrical recharging facilities and related equipment;

''(iii) improving existing mass transportation facilities to accommodate clean fuel buses;

''(iv) repowering pre-1993 engines with clean fuel technology that meets the current urban bus emission standards; or

''(v) retrofitting or rebuilding pre-1993 engines if before half life to rebuild; 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.

''(b) AUTHORITY.—The Secretary shall make grants in accordance with this section to designated recipients to finance eligible projects.

''(c) APPLICATION.—

''(1) IN GENERAL.—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.

''(2) CERTIFICATION REQUIRED.—An application submitted under paragraph (1) shall contain a certification by the applicant that the grantee will operate vehicles purchased with a grant under this section only with clean fuels.

''(d) APPORTIONMENT OF FUNDS.—

''(1) FORMULA.—Not later than February 1 of each year, the Secretary shall apportion amounts made available to carry out this section to designated recipients submitting applications under subsection (c), of which—

''(A) two-thirds shall be apportioned to designated recipients with eligible projects in urban areas with a population of at least 1,000,000, of which—

''(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 at least 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); and

''(ii) 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 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 at least 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); and

''(B) one-third shall be apportioned to designated recipients with eligible projects in urban areas with a population of less than 1,000,000, of which—

''(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); and

''(ii) 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 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 the Clean Air 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 the Clean Air 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 the Clean Air 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 the Clean Air 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 the Clean Air 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 at least 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) ADDITIONAL REQUIREMENTS.—

''(1) LIMITATION ON USES.—Not less than 5 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section shall be available for any eligible projects for which an application is received from a designated recipient, for—

''(A) the purchase or construction of hybrid electric or battery-powered buses; or

''(B) facilities specifically designed to service those buses.

''(2) CLEAN DIESEL BUSES.—Not more than $50,000,000 of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund clean diesel buses.

''(3) BUS RETROFITTING AND REPLACEMENT.—Not more than 5 percent of the amount made available by or appropriated under section 5338 in each fiscal year to carry out this section may be made available to fund retrofitting or replacement of the engines of buses that do not meet the clean air standards of the Environmental Protection Agency, as in effect on the date on which the application for such retrofitting or replacement is submitted under subsection (c)(1).

''(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

''(1) shall remain available to a project 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) CLERICAL AMENDMENT.—The analysis for chapter 53 is amended by striking the item relating to section 5308 and inserting the following: ''5308. Clean fuels formula grant program.''.

SEC. 3009. CAPITAL INVESTMENT GRANTS AND LOANS.

*(a) SECTION HEADING.—Section 5309 is amended in the section heading by striking ''**Discretionary**'' and inserting ''**Capital investment**''.*

(b) CONFORMING AMENDMENT.—The item relating to section 5309 in the table of sections for chapter 53 is amended by striking ''Discretionary'' and inserting ''Capital investment''.

(c) GENERAL AUTHORITY.—Section 5309(a)(1) is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by striking subparagraph (E) and inserting the following:

''(E) capital projects to modernize existing fixed guideway systems;

''(F) capital projects to replace, rehabilitate, and purchases buses and related equipment and to construct bus-related facilities;''.

(d) CONSIDERATION OF DECREASED COMMUTER RAIL TRANSPORTATION.—Section 5309(c) is amended to read as follows:

''(c) [Reserved.]''.

(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) is amended to read as follows:

''(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

''(1) IN GENERAL.—The Secretary 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 determines 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) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—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) PROJECT JUSTIFICATION.—In evaluating a project under paragraph (1)(B), the Secretary shall—

''(A) consider the direct and indirect costs of relevant alternatives;

''(B) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed, and recognize reductions in local infrastructure costs achieved through compact land use development;

''(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;

''(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 that the Secretary determines appropriate to carry out this chapter.

''(4) LOCAL FINANCIAL COMMITMENT.—

''(A) EVALUATION OF PROJECT.—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 that the Secretary determines to be reasonable to cover unanticipated cost increases;

''(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) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing under subparagraph (A), the Secretary 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) REGULATIONS.—Not later than 120 days after the date of enactment of the Federal Transit Act of 1998, the Secretary shall issue regulations 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, as required under this subsection.

''(6) PROJECT EVALUATION AND RATING.—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 finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the project as '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. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the regulations issued under paragraph (5).

''(7) FULL FUNDING GRANT AGREEMENT.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. 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) LIMITATIONS ON APPLICABILITY.—

''(A) PROJECTS WITH A SECTION 5309 FEDERAL SHARE OF LESS THAN $25,000,000.—A project for a new 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) PROJECTS IN NONATTAINMENT AREAS.—The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary 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 defined by the Clean Air Act (42 U.S.C. 7401 et seq.)); and

''(iii) required to carry out the State Implementation Plan.

''(C) PROJECTS FINANCED WITH HIGHWAY FUNDS.—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) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—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 1998.''.

(f) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) 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'';

(3) in paragraph (1)(B)—

(A) by striking ''30 days'' and inserting ''60 days'';

(B) by inserting before the first comma ''or entering into a full funding grant agreement''; 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 the evaluations and ratings for the project.''; and

(4) in paragraph (4), by striking ''50 percent'' and all that follows through ''obligated)'' and inserting ''an amount equivalent to the total authorizations under section 5338(b) for new fixed guideway systems and extensions to existing fixed guideway systems for fiscal years 2002 and 2003''.

(g) ALLOCATING AMOUNTS.—Section 5309(m) is amended to read as follows:

''(m) ALLOCATING AMOUNTS.—

''(1) IN GENERAL.—Of the amounts made available by or appropriated under section 5338 for grants and loans under this section for each of fiscal years 1998 through 2003—

''(A) 40 percent shall be available for fixed guideway modernization;

''(B) 40 percent shall be available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems; and

''(C) 20 percent shall be available to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

''(2) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

''(3) BUS AND BUS FACILITY GRANTS.—

''(A) CONSIDERATION.—In making grants under paragraph (1)(C), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

''(B) FUNDING FOR BUS TESTING FACILITY.—Of the amounts made available under paragraph (1)(C), $3,000,000 shall be available in each of fiscal years 1998 through 2003 to carry out section 5318.

''(4) FUNDING FOR CLEAN FUELS.—Of the amounts made available under paragraph (1)(C), $50,000,000 shall be available in each of fiscal years 1999 through 2003 to carry out section 5308.

''(5) FUNDING FOR FERRY BOAT SYSTEMS.—

''(A) Of the amounts made available under paragraph (1)(B), $10,400,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed guideway systems and extensions to fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

''(B) Of the amounts appropriated under section 5338(h)(5), $3,600,000 shall be available in each of fiscal years 1999 through 2003 for capital projects in Alaska or Hawaii, for new fixed

guideway systems and extensions to fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.''.

(h) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 5309(f) is amended to read as follows:

''(f) [Reserved.]''.

(2) CROSS REFERENCE.—Section 5328(a)(2), by striking ''5309(e) (1)–(6) of this title'' and inserting ''5309(e)''.

(3) REFERENCES TO FULL FUNDING GRANT AGREEMENTS.—Chapter 53 is amended—

(A) in section 5320—

(i) by striking ''full financing'' each place it appears and inserting ''full funding''; and

(ii) in subsection (e) in the subsection heading, by striking ''FINANCING'' and inserting ''FUNDING''; and

(B) in section 5328(a)(4) by striking ''full financing'' each place it appears and inserting ''full funding''.

(i) REPORTS.—Section 5309 is amended by adding at the end the following:

''(o) 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.—The annual report under this paragraph shall include 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 1998 or October 1 of the preceding fiscal year, whichever date is earlier. The report shall also include 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 currently available to the Secretary.

''(2) SUPPLEMENTAL REPORT ON NEW STARTS.—The Secretary shall submit a report to Congress on the 31st day of August of each year 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 General Accounting Office 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) shall report to Congress on the results of such review by April 30 of each year.''.

(j) PROJECT DEFINED.—Section 5309 is amended by adding at the end the following:

''(p) PROJECT DEFINED.—In this section, the term 'project' means, with respect to a new fixed guideway system or extension to an existing fixed guideway system, a minimum operable segment of the project.''.

SEC. 3010. DOLLAR VALUE OF MOBILITY IMPROVEMENTS.

(a) IN GENERAL.—The Secretary shall not consider the dollar value of mobility improvements, as specified in the report required under section 5309(o) (as added by this Act), in evaluating projects under section 5309 of title 49, United States Code, in developing regulations, or in carrying out any other duty of the Secretary.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the dollar value of mobility improvements and the relationship of mobility improvements to the overall transportation justification of a new fixed guideway system or extension to an existing system.

(2) REPORT.—Not later than January 1, 2000, the Secretary 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 under paragraph (1), including an analysis of the factors relevant to determining the dollar value of mobility improvements.

SEC. 3011. LOCAL SHARE.

(a) IN GENERAL.—Notwithstanding any other provision of law, for fiscal years 1999 through 2003, a recipient of assistance under section 5307 or 5309 of title 49, United States Code, may use, as part of the local matching funds for a capital project (as defined in section 5302(a) of title 49, United States Code), the proceeds from the issuance of revenue bonds.

(b) MAINTENANCE OF EFFORT.—The Secretary shall approve of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost (as defined in section 5302(a) of title 49, United States Code) only if the aggregate amount of financial support for mass transportation in the urbanized area from the State and affected local governmental authorities during the next 3 fiscal years, as programmed in the State Transportation Improvement Program under section 135 of title 23, United States Code, is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2003, 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 on the recipients described in subsection (a) that have used, as part of the local matching funds for a capital project, the proceeds from the issuance of revenue bonds, during the period described in subsection (a).

(2) CONTENTS OF REPORT.—The report required by this subsection shall include—

(A) information on each project undertaken, the amount of the revenue bonds issued, and the status of repayment of the bonds; and

(B) any recommendations of the Secretary regarding the application of this section.

SEC. 3012. INTELLIGENT TRANSPORTATION SYSTEMS APPLICATIONS.

(a) FIXED GUIDEWAY TECHNOLOGY.—The Secretary shall make grants for the study, design, and demonstration of fixed guideway technology. Of the amounts made available by or appropriated under section 5338(d) of title 49, United States Code, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

(1) North Orange-South Seminole County, FL $750,000 for fiscal year 1999.

(2) Galveston, TX fixed guideway activities $750,000 for fiscal year 1999.

(3) Washoe County, NV Transit Technology, $1,250,000 for each of fiscal years 1999 and 2000.

(b) BUS TECHNOLOGY.—The Secretary shall make grants for the study, design, and demonstration of bus technology. Of the amounts made available by or appropriated under section 5338(d) of title 49, United States Code, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

(1) MBTA, MA Advanced Electric Transit Buses and Related Infrastructure, $1,500,000 for each of fiscal years 1999 and 2000.

(2) Palm Springs, CA Fuel Cell Buses, $1,000,000 for each of fiscal years 1999 and 2000.

(3) Gloucester, MA Intermodal Technology Center, $1,500,000 for each of fiscal years 1999 and 2000.

(c) ADVANCED PROPULSION CONTROL SYSTEM.—

(1) IN GENERAL.—Of the amounts made available by or appropriated under section 5338(d) of title 49, United States Code, $2,000,000 for fiscal year 1999, $3,000,000 for fiscal year 2000, and $3,000,000 for fiscal year 2002 shall be available to the Southeastern Pennsylvania Transit Authority (in this subsection referred to as ''SEPTA''), to be used only for the completion of the program to develop and deploy a new Advanced Propulsion Control System begun under the Request for Technical Proposals for Project S-2814-2.

(2) ACTION REQUIRED BY SEPTA.—This subsection shall take effect only if SEPTA issues a request for cost proposals to the 4 selectees from the full and open competition under SEPTA's Request for Technical Proposals for Project S-2814-2 not later than 60 days after the date of enactment of this Act.

SEC. 3013. FORMULA GRANTS AND LOANS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

*(a) SECTION HEADING.—Section 5310 is amended in the section heading by striking ''**Grants**'' and inserting ''**Formula grants**''.*

(b) CONFORMING AMENDMENT.—The item relating to section 5310 in the table of sections for chapter 53 is amended by inserting ''formula'' before ''grants''.

SEC. 3014. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS.

(a) IN GENERAL.—Section 5311 is amended—

*(1) in the section heading, by striking ''**Financial assistance**'' and inserting ''**Formula grants**''; and*

(2) in subsection (f)(1) by striking ''10 percent of the amount made available in the fiscal year ending September 30, 1993, and''.

(b) CONFORMING AMENDMENT.—The item relating to section 5311 in the table of sections for chapter 53 is amended by striking ''Financial assistance'' and inserting ''Formula grant''.

SEC. 3015. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING PROJECTS.

(a) IN GENERAL.—Section 5312 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 1 or more public or private organizations located in the United States that provide mass transportation service to the public and 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 services, management, operational practices, or technology that has broad applicability. This paragraph shall be carried out in consultation with the transit industry by competitively selected consortia that will share costs, risks, and rewards of early deployment of innovation.

''(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 accept, to the maximum extent practicable, a portion of the revenues resulting from sales of an innovation project funded under this section. Such revenues shall be accounted for separately within the Mass Transit Account of the Highway Trust Fund and shall be available to the Secretary for activities under this subsection. Annual revenues that are less than $1,000,000 shall be available for obligation without further appropriation and shall not be subject to any obligation limitation.

''(e) INTERNATIONAL MASS TRANSPORTATION PROGRAM.—

''(1) ACTIVITIES.—The Secretary is authorized to engage in activities to inform the United States domestic mass transportation community about technological innovations available in the international marketplace and activities that may afford domestic businesses the opportunity to become globally competitive in the export of mass transportation products and services. Such activities may include—

''(A) development, monitoring, assessment, and dissemination domestically of information about worldwide mass transportation market opportunities;

''(B) cooperation with foreign public sector entities in research, development, demonstration, training, and other forms of technology transfer and exchange of experts and information;

''(C) advocacy, in international mass transportation markets, of firms, products, and services available from the United States;

''(D) informing the international market about the technical quality of mass transportation products and services through participation in seminars, expositions, and similar activities; and

''(E) offering those Federal Transit Administration technical services which cannot be readily obtained from the United States private sector to foreign public authorities planning or undertaking mass transportation projects if the cost of these services will be recovered under the terms of each project.

''(2) COOPERATION.—The Secretary may carry out activities under this subsection in cooperation with other Federal agencies, State or local agencies, public and private nonprofit institutions, government laboratories, foreign governments, or any other organization the Secretary determines is appropriate.

''(3) FUNDING.—The funds available to carry out this subsection shall include revenues paid to the Secretary by any cooperating organization or person. Such revenues shall be accounted for separately within the Mass Transit Account of the Highway Trust Fund and shall be available to the Secretary to carry out activities under this subsection, including promotional materials, travel, reception, and representation expenses necessary to carry out such activities. Annual revenues that are less than $1,000,000 shall be available for obligation without further appropriation and shall not be subject to any obligation limitation. Not later than January 1 of each fiscal year, the Secretary shall publish a report on the activities under this paragraph funded from the account.''.

(b) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Of the funds made available for each fiscal year to carry out section 5309(m)(1)(C) of title 49, United States Code, $4,850,000 shall be available to carry out the fuel cell powered transit bus program and the intermodal transportation fuel cell bus maintenance facility.

(c) ADVANCED TECHNOLOGY PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall make grants for the development of low speed magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act for each of fiscal years 1998 through 2003, $5,000,000 per fiscal year shall be available to carry out this subsection.

(3) FEDERAL SHARE.—The Federal share payable on account of activities carried out using a grant made under this subsection shall be 80 percent of the cost of such activities.

SEC. 3016. NATIONAL PLANNING AND RESEARCH PROGRAMS.

Section 5314(a)(2) is amended by striking ''$2,000,000'' and inserting ''$3,000,000''.

SEC. 3017. NATIONAL TRANSIT INSTITUTE.

(a) IN GENERAL.—Section 5315(a) is amended—

(1) in paragraph (5) by inserting ''and architectural design'' before the semicolon at the end;

(2) in paragraph (7) by striking ''carrying out'' and inserting ''delivering'';

(3) in paragraph (11) by inserting '', construction management, insurance, and risk management'' before the semicolon at the end;

(4) in paragraph (13) by striking ''and'' at the end;

(5) in paragraph (14) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

''(15) innovative finance; and

''(16) workplace safety.''.

(b) CONFORMING AMENDMENT.—The item relating to section 5315 in the table of sections for chapter 53 is amended by striking ''mass transportation'' and inserting ''transit''.

SEC. 3018. BUS TESTING FACILITIES.

(a) OPERATION AND MAINTENANCE.—Section 5318(b) is amended—

(1) by striking ''make a contract with'' and inserting ''enter into a contract or cooperative agreement with, or make a grant to,'';

(2) by inserting ''or organization'' after ''person'';

(3) by inserting '', cooperative agreement, or grant'' after ''The contract''; and

(4) by inserting ''mass transportation'' after ''and other''.

(b) AVAILABILITY OF AMOUNTS.—Section 5318(d) is amended by striking ''make a contract with'' and inserting ''enter into a contract or cooperative agreement with, or make a grant to,''.

SEC. 3019. BICYCLE FACILITIES.

Section 5319 is amended by striking ''under this section is for 90 percent of the cost of the project'' and inserting ''made eligible by this section is for 90 percent of the cost of the project, except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(k) and the project involves providing bicycle access to mass transportation, that grant or portion of that grant shall be at a Federal share of 95 percent''.

SEC. 3020. GENERAL PROVISIONS ON ASSISTANCE.

(a) TECHNICAL AMENDMENT.—Section 5323(d) is amended by striking ''BUYING AND OPERATING BUSES.—'' and inserting ''CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—''.

(b) BUY AMERICA.—Section 5323(j)(7) is amended to read as follows:

''(7) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.''.

(c) GOVERNMENT'S SHARE.—Section 5323(i) is amended to read as follows:

''(i) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment (including clean fuel or alternative fuel vehicle-related equipment) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment attributable to compliance with those Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment attributable to compliance with those Acts.''.

(d) HHS AND PUBLIC TRANSIT SERVICE.—Section 5323 is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

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

''(k) 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.''.

(e) SUBMISSION OF CERTIFICATIONS.—Section 5323 is amended by adding at the end the following:

''(n) SUBMISSION OF CERTIFICATIONS.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2).''.

(f) GRANT REQUIREMENTS.—Section 5323 is amended by adding at the end the following:

''(o) GRANT REQUIREMENTS.—The grant requirements under sections 5307 and 5309 apply to any project under this chapter that receives any assistance or other financing under the Transportation Infrastructure Finance and Innovation Act of 1998.''.

SEC. 3021. PILOT PROGRAM FOR INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—The Secretary shall establish a pilot program to determine the benefits of using funds from the Mass Transit Account of the Highway Trust Fund for intercity passenger rail. Any assistance provided to the State of Oklahoma under sections 5307 and 5311 of title 49, United States Code, during fiscal years 1998 through 2003 may be used for capital improvements to, and operating assistance for, intercity passenger rail service.

(b) REPORT.—

(1) IN GENERAL.—Not later than October 1, 2002, 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 on the pilot program established under this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an evaluation of the effect of the pilot program on alternative forms of transportation within the State of Oklahoma;

(B) an evaluation of the effect of the program on operators of mass transportation and their passengers;

(C) a calculation of the amount of Federal assistance provided under this section transferred for the provision of intercity passenger rail service; and

(D) an estimate of the benefits to intercity passenger rail service, including the number of passengers served, the number of route miles covered, and the number of localities served by intercity passenger rail service.

SEC. 3022. CONTRACT REQUIREMENTS.

(a) EFFICIENT PROCUREMENT.—Section 5325 is amended—

(1) by striking subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b); and

(3) by adding at the end the following:

''(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder when the award furthers an objective consistent with the purposes of this chapter, including improved long-term operating efficiency and lower long-term costs.''.

SEC. 3023. SPECIAL PROCUREMENTS.

(a) TURNKEY SYSTEM PROJECTS.—Section 5326(a) is amended—

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

''(1) TURNKEY SYSTEM PROJECT DEFINED.—In this subsection, the term 'turnkey system project' means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a mass transportation system or an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.'';

(2) in paragraph (2)—

(A) by inserting ''SELECTION OF TURNKEY PROJECTS.—'' after ''(2)''; and

(B) by inserting ''or an operable segment of a mass transportation system'' after ''transportation system'';

(3) in paragraph (3) by inserting ''DEMONSTRATIONS.—'' after ''(3)''; and

(4) by aligning paragraphs (2) and (3) with paragraph (1) of such section, as amended by paragraph (1) of this section.

(b) TECHNICAL AMENDMENT.—Section 5326 is amended by striking subsection (c) and inserting the following:

''(c) ACQUIRING ROLLING STOCK.—A recipient of financial assistance under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

''(1) based on—

''(A) initial capital costs; or

''(B) performance, standardization, life cycle costs, and other factors; or

''(2) with a party selected through a competitive procurement process.

''(d) PROCURING ASSOCIATED CAPITAL MAINTENANCE ITEMS.—A recipient of assistance under section 5307 procuring an associated capital maintenance item under section 5307(b) may enter into a contract directly with the original manufacturer or supplier of the item to be replaced, without receiving prior approval of the Secretary, if the recipient first certifies in writing to the Secretary that—

''(1) the manufacturer or supplier is the only source for the item; and

''(2) the price of the item is no more than the price that similar customers pay for the item.''.

(c) CONFORMING AMENDMENT.—Section 5334(b)(4) is amended by striking ''5323(a)(2), (c) and (e), 5324(c), and 5325 of this title'' and inserting ''5323(a)(2), 5323(c), 5323(e), 5324(c), 5325(a), 5325(b), 5326(c), and 5326(d)''.

SEC. 3024. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

(a) LIMITATION ON USE OF AVAILABLE AMOUNTS.—Section 5327(c)(2) is amended—

(1) by striking ''make contracts'' and inserting ''enter into contracts''; and

(2) by inserting before the period at the end of the first sentence the following: ''and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section''.

(b) FINANCIAL PLAN.—Section 5327 is amended by adding at the end the following:

''(f) FINANCIAL PLAN.—A recipient of financial assistance for a project under this chapter with an estimated total cost of $1,000,000,000 or more shall submit to the Secretary an annual financial plan for the project. The plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.''.

SEC. 3025. ADMINISTRATIVE PROCEDURES.

(a) TRAINING AND CONFERENCE COSTS.—Section 5334(a) is amended—

(1) in paragraph (8) by striking ''and'' at the end;

(2) in paragraph (9) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(10) collect fees to cover the costs of training or conferences, including costs of promotional materials, sponsored by the Federal Transit Administration to promote mass transportation and credit amounts collected to the appropriation concerned.''.

(b) TECHNICAL AMENDMENTS.—

*(1) SECTION HEADING.—The heading for section 5334 is amended by inserting ''**provisions**'' after ''**Administrative**''.*

(2) TABLE OF SECTIONS.—The item relating to section 5334 in the table of sections for chapter 53 is amended by inserting ''provisions'' after ''Administrative''.

(c) PROCEEDS FROM SALE OF TRANSIT ASSETS.—Section 5334(g) is amended by adding at the end the following:

''(4) PROCEEDS FROM THE SALE OF TRANSIT ASSETS.—

''(A) IN GENERAL.—When real property, equipment, or supplies acquired with assistance under this chapter are no longer needed for mass transportation purposes as determined under the applicable assistance agreement, the Secretary may authorize the sale, transfer, or lease of the assets under conditions determined by the Secretary and subject to the requirements of this subsection.

''(B) USE.—The net income from asset sales, uses, or leases (including lease renewals) under this subsection shall be used by the recipient to reduce the gross project cost of other capital projects carried out under this chapter.

''(C) RELATIONSHIP TO OTHER AUTHORITY.—The authority of the Secretary under this subsection is in addition to existing authorities controlling allocation or use of recipient income otherwise permissible in law or regulation in effect prior to the date of enactment of this paragraph.''.

SEC. 3026. REPORTS AND AUDITS.

(a) NATIONAL TRANSIT DATABASE.—Section 5335(a) is amended—

(1) by striking ''REPORTING SYSTEM AND UNIFORM SYSTEM OF ACCOUNTS AND RECORDS'' and inserting ''NATIONAL TRANSIT DATABASE''; and

(2) in paragraph (1)—

(A) by striking ''by uniform categories,'' and inserting ''using uniform categories''; and

(B) by striking ''and a uniform system of accounts and records'' and inserting ''and using a uniform system of accounts''.

(b) REPORTS.—Section 5335 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsection (d) as subsection (b).

SEC. 3027. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

*(a) IN GENERAL.—Section 5336 is amended in the section heading by striking ''**block grants**'' and inserting ''**formula grants**''.*

(b) REPEAL.—Section 5336(d) is amended to read as follows:

''(d) [Reserved.]''.

(c) CONTINUATION OF OPERATING ASSISTANCE TO CERTAIN LARGER URBANIZED AREAS.—

(1) PROVISION OF ASSISTANCE.—Notwithstanding any other provision of law, during the period described in paragraph (2), the Secretary may continue to provide assistance under section 5307 of title 49, United States Code, to finance the operating costs of equipment and facilities for use in mass transportation in any urbanized area (as that term is defined in section 5302 of title 49, United States Code) with a population of at least 200,000, if the Secretary determines that—

(A) the number of the total bus revenue vehicle-miles operated in or directly serving the area is less than 600,000; and

(B) the number of buses operated in or directly serving the area does not exceed 15.

(2) PERIOD DESCRIBED.—For purposes of paragraph (1), the period described in this paragraph is the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) 3 years after the date of enactment of this Act; and

(B) the date on which the Secretary determines that—

(i) the number of the total bus revenue vehicle-miles operated in or directly serving the area is greater than or equal to 600,000; and

(ii) the number of buses operated in or directly serving the area exceeds 15.

SEC. 3028. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) DISTRIBUTION.—Section 5337(a) is amended to read as follows:

''(a) DISTRIBUTION.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998 through 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)(ii) 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 $70,000,000 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 at least 7 years before the fiscal year in which amounts are made available and in any urbanized area if, before the first day of the 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 $50,000,000 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 is amended by adding at the end the following:

''(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—

''(1) 1997 STANDARD.—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) OTHER STANDARDS.—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 at least 7 years before the fiscal year in which amounts are made available.''.

SEC. 3029. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 is amended to read as follows:

''§ 5338. Authorizations

''(a) FORMULA GRANTS.—

''(1) FISCAL YEAR 1998.—

''(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5310, and 5311, $2,260,000,000 for fiscal year 1998.

''(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5310, and 5311, $240,000,000 for fiscal year 1998.

''(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for a fiscal year—

''(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

''(ii) $62,219,389 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

''(iii) $134,077,934 shall be available to provide financial assistance for other than urbanized areas under section 5311; and

''(iv) $2,298,852,727 shall be available to provide financial assistance for urbanized areas under section 5307.

''(2) FISCAL YEARS 1999 THROUGH 2003.—

''(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5308, 5310, and 5311—

''(i) $2,280,000,000 for fiscal year 1999;

''(ii) $2,478,400,000 for fiscal year 2000;

''(iii) $2,676,000,000 for fiscal year 2001;

''(iv) $2,873,600,000 for fiscal year 2002; and

''(v) $3,071,200,000 for fiscal year 2003.

''(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5307, 5308, 5310, and 5311—

''(i) $570,000,000 for fiscal year 1999;

''(ii) $619,600,000 for fiscal year 2000;

''(iii) $669,000,000 for fiscal year 2001;

''(iv) $718,400,000 for fiscal year 2002; and

''(v) $767,800,000 for fiscal year 2003.

''(C) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this paragraph for a fiscal year—

''(i) $4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307;

''(ii) $50,000,000 shall be available to carry out section 5308; and

''(iii) of the remaining amount—

''(I) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

''(II) 6.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

''(III) 91.23 percent shall be available to provide financial assistance for urbanized areas under section 5307.

''(b) CAPITAL PROGRAM GRANTS AND LOANS.—

''(1) FISCAL YEAR 1998.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309, $2,000,000,000 for fiscal year 1998.

''(2) FISCAL YEARS 1999 THROUGH 2003.—

''(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309—

''(i) $1,805,600,000 for fiscal year 1999;

''(ii) $1,960,800,000 for fiscal year 2000;

''(iii) $2,116,800,000 for fiscal year 2001;

''(iv) $2,272,800,000 for fiscal year 2002; and

''(v) $2,428,800,000 for fiscal year 2003.

''(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5309—

''(i) $451,400,000 for fiscal year 1999;

''(ii) $490,200,000 for fiscal year 2000;

''(iii) $529,200,000 for fiscal year 2001;

''(iv) $568,200,000 for fiscal year 2002; and

''(v) $607,200,000 for fiscal year 2003.

''(c) PLANNING.—

''(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b), $47,750,000 for fiscal year 1998.

''(2) FISCAL YEARS 1999 THROUGH 2003.—

''(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, 5305, and 5313(b)—

''(i) $43,200,000 for fiscal year 1999;

''(ii) $46,400,000 for fiscal year 2000;

''(iii) $51,200,000 for fiscal year 2001;

''(iv) $52,800,000 for fiscal year 2002; and

''(v) $57,600,000 for fiscal year 2003.

''(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b)—

''(i) $10,800,000 for fiscal year 1999;

''(ii) $11,600,000 for fiscal year 2000;

''(iii) $12,800,000 for fiscal year 2001;

''(iv) $13,200,000 for fiscal year 2002; and

''(v) $14,400,000 for fiscal year 2003.

''(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this paragraph for a fiscal year—

''(i) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305; and

''(ii) 17.28 percent shall be available for State planning under section 5313(b).

''(d) RESEARCH.—

''(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $44,250,000 for fiscal year 1998.

''(2) FISCAL YEARS 1999 THROUGH 2003.—

''(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—

''(i) $36,000,000 for fiscal year 1999;

''(ii) $37,600,000 for fiscal year 2000;

''(iii) $37,600,000 for fiscal year 2001;

''(iv) $39,200,000 for fiscal year 2002; and

''(v) $39,200,000 for fiscal year 2003.

''(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—

''(i) $9,000,000 for fiscal year 1999;

''(ii) $9,400,000 for fiscal year 2000;

''(iii) $9,400,000 for fiscal year 2001;

''(iv) $9,800,000 for fiscal year 2002; and

''(v) $9,800,000 for fiscal year 2003.

''(C) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this paragraph for a fiscal year—

''(i) not less than $5,250,000 shall be available for providing rural transportation assistance under section 5311(b)(2);

''(ii) not less than $8,250,000 shall be available for carrying out transit cooperative research programs under section 5313(a);

''(iii) not less than $4,000,000 shall be available to carry out programs under the National Transit Institute under section 5315; and

''(iv) the remainder shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322.

''(e) UNIVERSITY TRANSPORTATION RESEARCH.—

''(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out section 5317(b) $6,000,000 for fiscal year 1998.

''(2) FISCAL YEARS 1999 THROUGH 2003.—

''(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5317(b), $4,800,000 for each of fiscal years 1999 through 2003.

''(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5317(b), $1,200,000 for each of fiscal years 1999 through 2003.

''(f) ADMINISTRATION.—

''(1) FISCAL YEAR 1998.—There are authorized to be appropriated to carry out section 5334, $45,738,000 for fiscal year 1998.

''(2) FISCAL YEARS 1999 THROUGH 2003.—

''(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5334—

''(i) $43,200,000 for fiscal year 1999;

''(ii) $48,000,000 for fiscal year 2000;

''(iii) $51,200,000 for fiscal year 2001;

''(iv) $53,600,000 for fiscal year 2002; and

''(v) $58,400,000 for fiscal year 2003.

''(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out section 5334—

''(i) $10,800,000 for fiscal year 1999;

''(ii) $12,000,000 for fiscal year 2000;

''(iii) $12,800,000 for fiscal year 2001;

''(iv) $13,400,000 for fiscal year 2002; and

''(v) $14,600,000 for fiscal year 2003.

''(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) GRANTS FINANCED FROM THE HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(1)(A), (a)(2)(A), (b)(1), (b)(2)(A), (c)(2)(A), (d)(2)(A), (e)(2)(A), or (f)(2)(A) is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

''(2) GRANTS FINANCED FROM GENERAL FUNDS.—A grant or contract, approved by the Secretary, that is financed with amounts made

available under subsection (a)(1)(B), (a)(2)(B), (b)(2)(B), (c)(2)(B), (d)(2)(B), (e)(2)(B), (f)(2)(B), or (h) is a contractual obligation of the 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.

''(h) ADDITIONAL AMOUNTS.—In addition to amounts made available by or appropriated under subsections (a) through (f), there are authorized to be appropriated—

''(1) to carry out sections 5303, 5304, 5305, and 5313(b)—

''(A) for fiscal year 1999, $32,000,000;

''(B) for fiscal year 2000, $33,000,000;

''(C) for fiscal year 2001, $34,000,000;

''(D) for fiscal year 2002, $35,000,000; and

''(E) for fiscal year 2003, $36,000,000;

''(2) to carry out section 5307, $150,000,000 for each of fiscal years 1999 through 2003;

''(3) to carry out section 5308, $100,000,000 for each of fiscal years 1999 through 2003;

''(4) to carry out section 5309(m)(1)(A), $100,000,000 for each of fiscal years 1999 through 2003;

''(5) to carry out section 5309(m)(1)(B)—

''(A) for fiscal year 1999, $600,000,000;

''(B) for fiscal year 2000, $610,000,000;

''(C) for fiscal year 2001, $620,000,000;

''(D) for fiscal year 2002, $630,000,000; and

''(E) for fiscal year 2003, $630,000,000;

''(6) to carry out section 5309(m)(1)(C), $100,000,000 for each of fiscal years 1999 through 2003;

''(7) to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322—

''(A) for fiscal year 1999, $31,000,000;

''(B) for fiscal year 2000, $31,000,000;

''(C) for fiscal year 2001, $33,000,000;

''(D) for fiscal year 2002, $33,000,000; and

''(E) for fiscal year 2003, $34,000,000; and

''(8) to carry out section 5334—

''(A) for fiscal year 1999, $13,000,000;

''(B) for fiscal year 2000, $14,000,000;

''(C) for fiscal year 2001, $16,000,000;

''(D) for fiscal year 2002, $17,000,000; and

''(E) for fiscal year 2003, $18,000,000.

''(i) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (e), and paragraphs (1) through (7) of subsection (h), shall remain available until expended.''.

(b) CONFORMING AMENDMENTS.—Chapter 53 is amended as follows:

(1) In sections 5303(h)(1), 5303(h)(2)(A), and 5303(h)(3)(A), by striking ''section 5338(g)(1)'' each place it appears and inserting ''subsection (c) or (h)(1) of section 5338''.

(2) In section 5303(h)(1) by striking ''–5306'' and inserting ''and 5305''.

(3) In section 5303(h)(4) by striking ''section 5338(g)'' and inserting ''subsection (c) or (h)(1) of section 5338''.

(4) In section 5313(a)(1) by striking ''Fifty percent of the amounts made available under section 5338(g)(3)'' and inserting ''The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(d)''.

(5) In section 5313(b)(1) by striking ''Fifty percent of the amounts made available under section 5338(g)(3)'' and inserting ''The amounts made available under paragraphs (1) and (2)(C)(ii) of section 5338(c)''.

(6) In section 5314(a)(1) by striking ''section 5338(g)(4)'' and inserting ''subsections (d) and (h)(7) of section 5338''.

(7) In section 5317(e)(5)(C) by striking ''5338(e)(2)'' and inserting ''5338(e)''.

(8) In section 5318(d) by striking ''5338(j)(5)'' and inserting ''5309(m)(1)(C)''.

(9) In section 5333(b) by striking ''5338(j)(5)'' each place it appears and inserting ''5338(b)''.

(10) In section 5336(a) by striking ''5338(f)'' and inserting ''5338(a)''.

(11) In section 5336(e)(1) by striking ''section 5338(f)'' and inserting ''subsections (a) and (h)(2) of section 5338''.

(12) In section 5337(e)(1) by striking ''section 5338(f)'' and inserting ''subsections (b) and (h)(4) of section 5338''.

SEC. 3030. PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.

(a) FINAL DESIGN AND CONSTRUCTION.—The following projects are authorized for final design and construction for fiscal years 1998 through 2003 under section 5309(m)(1)(B) of title 49, United States Code:

(1) Atlanta—Athens Commuter Rail.

(2) Atlanta—Griffin Commuter Rail.

(3) Atlanta—North Line Extension.

(4) Austin—NW/North Central/SE—Airport LRT.

(5) Baltimore—Central LRT Extension to Glen Burnie.

(6) Boston—Massport Airport Intermodal Transit Connector.

(7) Boston—North Shore Corridor and Blue Line Extension to Beverly.

(8) Charlotte—South Corridor Transitway.

(9) Chicago—Navy Pier-McCormick Place Busway.

(10) Chicago—North Central Upgrade Commuter Rail.

(11) Chicago—Ravenswood Line Extension.

(12) Chicago—Southwest Extension.

(13) Chicago—West Line Expansion.

(14) Cleveland—Akron-Canton Commuter Rail.

(15) Cleveland—Berea Metroline Extension.

(16) Cleveland—Blue Line Extension.

(17) Cleveland—Euclid Corridor Extension.

(18) Cleveland—I–90 Corridor to Ashtabula County.

(19) Cleveland—Waterfront Line Extension.

(20) Dallas—North Central Extension.

(21) Dallas—Ft. Worth RAILTRAN (Phase II).

(22) Denver—East Corridor (Airport).

(23) Denver—Southeast LRT (I–25 between 6th & Lincoln).

(24) Denver—Southwest LRT.

(25) Denver—West Corridor LRT.

(26) East St. Louis-St. Clair County—Mid-America Airport Corridor.

(27) Ft. Lauderdale-West Palm Beach-Miami Tri-County Commuter Rail.

(28) Galveston—Trolley Extension.

(29) Hartford—Griffin Line.

(30) Hollis—Ketchikan Ferry.

(31) Houston—Regional Bus Plan—Phase I.

(32) Kansas City—I–35 Commuter Rail.

(33) Kansas City—Southtown Corridor.

(34) Kenosha-Racine—Milwaukee Rail Extension.

(35) Las Vegas Corridor.

(36) Little Rock—River Rail.

(37) Los Angeles—Metrolink San Bernadino Line.

(38) Los Angeles—MOS–3.

(39) Los Angeles—Metrolink (Union Station-Fullerton).

(40) Louisville—Jefferson County Corridor.

(41) MARC—Commuter Rail Improvements.

(42) Maryland Light Rail Double Track.

(43) Memphis—Medical Center Extension.

(44) Miami—East-West Multimodal Corridor.

(45) Miami—North 27th Avenue Corridor.

(46) Miami—South Busway Extension.

(47) Milwaukee—East-West Corridor.

(48) Monterey County Commuter Rail.

(49) Nashua, NH—Lowell, MA Commuter Rail.

(50) Nashville—Commuter Rail.

(51) New Orleans—Canal Streetcar.

(52) New York—8th Avenue Subway Connector.

(53) New York—Brooklyn—Staten Island Ferry.

(54) New York—Long Island Railroad East Side Access.

(55) New York—Staten Island Ferry—Whitehall Intermodal Terminal.

(56) New York Susquehanna and Western Commuter Rail.

(57) New Jersey Urban Core.

(58) Norfolk—Virginia Beach Corridor.

(59) Orange County—Fullerton—Irvine Corridor.

(60) Orlando—I–4 Central Florida Light Rail System.

(61) Philadelphia—Schuykill Valley Metro.

(62) Phoenix—Fixed Guideway.

(63) Colorado—Roaring Fork Valley Rail.

(64) Pittsburgh Airborne Shuttle System.

(65) Pittsburgh—MLK Busway Extension.

(66) Portland—South-North Corridor.

(67) Portland—Westside-Hillsboro Corridor.

(68) Raleigh-Durham—Regional Transit Plan.

(69) Sacramento—Folsom Extension.

(70) Sacramento—Placer County Corridor.

(71) Sacramento—South Corridor.

(72) Salt Lake City—Light Rail (Airport to University of Utah).

(73) Salt Lake City—Ogden-Provo Commuter Rail.

(74) Salt Lake City—South LRT.

(75) San Diego—Mid-Coast LRT Corridor.

(76) San Diego—Mission Valley East Corridor.

(77) San Diego—Oceanside—Escondido Corridor.

(78) San Francisco—BART to San Francisco International Airport Extension.

(79) San Francisco—Bayshore Corridor.

(80) San Jose—Tasman Corridor Light Rail.

(81) San Juan—Tren Urbano.

(82) San Juan—Tren Urbano Extension to Minellas.

(83) Santa Cruz—Fixed Guideway.

(84) Seattle—Southworth High Speed Ferry.

(85) Seattle—Sound Move Corridor.

(86) South Boston—Piers Transitway.

(87) St. Louis—Cross County Corridor.

(88) Stockton—Altamont Commuter Rail.

(89) Tampa Bay—Regional Rail.

(90) Twin Cities—Northstar Corridor (Downtown Minneapolis-Anoka County-St. Cloud).

(91) Twin Cities—Transitways Corridors.

(92) Washington—Richmond Rail Corridor Improvements.

(93) Washington, D.C.—Dulles Corridor Extension.

(94) Washington, D.C.—Largo Extension.

(95) West Trenton Line (West Trenton-Newark).

(96) Westlake—Commuter Rail Link.

(97) Pittsburgh North Shore-Central Business District Corridor.

(98) Pittsburgh—Stage II Light Rail.

(99) Boston—North-South Rail Link.

(100) Spokane—South Valley Corridor Light Rail.

(101) Miami—Palmetto Metrorail.

(102) Morgantown—Personal Rapid Transit.

(103) Santa Monica—Busway.

(104) Northwest New Jersey—Northeast Rail Corridor.

(105) Southeastern North Carolina Corridor.

(106) Chicago—Douglas Branch.

(107) San Joaquin—Regional Transit Corridor.

(108) Albuquerque—High Capacity Corridor.

(b) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—The following projects are authorized for alternatives analysis and preliminary engineering for fiscal years 1998 through 2003 under section 5309(m)(1)(B) of title 49, United States Code:

(1) Atlanta—Georgia 400 Multimodal Corridor.

(2) Atlanta—MARTA Extension (S. DeKalb-Lindbergh).

(3) Atlanta—MARTA I–285 Transit Corridor.

(4) Atlanta—MARTA Marietta-Lawrenceville Corridor.

(5) Atlanta—MARTA South DeKalb Comprehensive Transit Program.

(6) Baltimore—Metropolitan Rail Corridor.

(7) Baltimore—People Mover.

(8) Bergen County Cross—County Light Rail.

(9) Birmingham Transit Corridor.

(10) Boston—Urban Ring.

(11) Charleston—Monobeam.

(12) Chicago—Comiskey Park Station.

(13) Chicago—Inner Circumferential Commuter Rail.

(14) Cumberland/Dauphin County Corridor 1 Commuter Rail.

(15) Dallas—DART LRT Extensions.

(16) Dallas—Las Colinas Corridor.

(17) Dayton—Regional Riverfront Corridor.

(18) El Paso—International Fixed Guideway (El Paso-Juarez).

(19) Fremont—South Bay Corridor.

(20) Houston—Advanced Transit Program.

(21) Jacksonville—Fixed Guideway Corridor.

(22) Knoxville—Electric Transit.

(23) Lorain—Cleveland Commuter Rail.

(24) Los Angeles—MOS–4 East Side Extension (II).

(25) Los Angeles—MOS–4 San Fernando Valley East-West.

(26) Los Angeles—LOSSAN (Del Mar-San Diego).

(27) Maine High Speed Ferry Service.

(28) Maryland Route 5 Corridor.

(29) Memphis—Regional Rail Plan.

(30) Miami—Kendall Corridor.

(31) Miami—Northeast Corridor.

(32) New Jersey Trans-Hudson Midtown Corridor.

(33) New Orleans—Airport—CBD Commuter Rail.

(34) New Orleans—Desire Streetcar.

(35) New York—Astoria—East Elmhurst Extension.

(36) New York—Broadway—Lafayette & Bleecker St Transfer.

(37) New York—Brooklyn—Manhattan Access.

(38) New York—Lower Manhattan Access.

(39) New York—Manhattan East Side Link.

(40) New York—Midtown West Intermodal Terminal.

(41) New York—Nassau Hub.

(42) New York—North Shore Railroad.

(43) New York—Queens West Light Rail Link.

(44) New York—St. George's Ferry Intermodal Terminal.

(45) Newburgh—LRT System.

(46) North Front Range Corridor.

(47) Northeast Indianapolis Corridor.

(48) Oakland Airport—BART Connector.

(49) Providence—Pawtucket Corridor.

(50) Philadelphia—Broad Street Line Extension.

(51) Philadelphia—Cross County Metro.

(52) Philadelphia—Lower Marion Township.

(53) Pinellas County—Mobility Initiative Project.

(54) Redlands—San Bernardino Transportation Corridor.

(55) Riverside—Perris rail passenger service.

(56) Salt Lake City—Draper Light Rail Extension.

(57) Salt Lake City—West Jordan Light Rail Extension.

(58) San Francisco—CalTrain Extension to Hollister.

(59) Scranton—Laurel Line Intermodal Corridor.

(60) SEATAC—Personal Rapid Transit.

(61) Toledo—CBD to Zoo.

(62) Union Township Station (Raritan Valley Line).

(63) Washington County Corridor (Hastings-St. Paul).

(64) Washington, D.C.—Georgetown-Ft. Lincoln.

(65) Williamsburg—Newport News-Hampton LRT.

(66) Cincinnati/N. Kentucky—Northeast Corridor.

(67) Northeast Ohio—commuter rail.

(68) California—North Bay Commuter Rail.

(c) PROJECT AUTHORIZATIONS.—

(1) IN GENERAL.—Of the total amount made available by or authorized under section 5338(b) of title 49, United States Code, to carry out section 5309(m)(1)(B) for fiscal years 1998 through 2003:

(A) $3,000,000,000 shall be available for the following projects:

(i) Birmingham Transit Corridor, $87,500,000.

(ii) San Diego–Mission Valley East Corridor, $325,000,000.

(iii) Denver–Southeast LRT (I-25 between 6th and Lincoln), $10,000,000.

(iv) Colorado–Roaring Fork Valley Rail, $40,000,000.

(v) Hartford–Griffin Line, $33,000,000.

(vi) Bridgeport–Intermodal Corridor, $34,000,000.

(vii) New London–Waterfront Access, $15,000,000.

(viii) Old Saybrook–Hartford Rail Extension, $5,000,000.

(ix) Stamford–Fixed Guideway Connector, $18,000,000.

(x) Orlando–I-4 Central Florida Light Rail System, $100,000,000.

(xi) Miami–Palmetto Metrorail, $8,000,000.

(xii) Tampa Bay–Regional Rail, $2,000,000.

(xiii) Fort Lauderdale–West Palm Beach–Miami Tri-County Commuter Rail, $20,000,000.

(xiv) Miami–East-West Multimodal Corridor, $20,000,000.

(xv) Chicago–CTA Douglas Branch, $315,000,000.

(xvi) Indianapolis Region Commuter Rail, $10,000,000.

(xvii) Sioux City–Light Rail, $10,000,000.

(xviii) MARC–Commuter Rail Improvements, $185,000,000.

(xix) Baltimore–Light Rail Double Track, $120,000,000.

(xx) Boston–North Shore Corridor and Blue Line Extension to Beverly, $50,000,000.

(xxi) Twin Cities–Transitways Corridors, $120,000,000.

(xxii) Twin Cities–Northstar Corridor (Downtown Minneapolis–Anoka County–St. Cloud), $6,000,000.

(xxiii) I-35 Commuter Rail, $30,000,000.

(xxiv) Las Vegas Corridor, $155,000,000.

(xxv) New Jersey–Bergen County Cross County Light Rail, $5,000,000.

(xxvi) New Jersey–Trans Hudson Midtown Corridor, $5,000,000.

(xxvii) Santa Fe–Eldorado Rail Link, $10,000,000.

(xxviii) Albuquerque Alvarado Intermodal Center, $5,000,000.

(xxix) Albuquerque Light Rail, $90,000,000.

(xxx) New York–Long Island Railroad East Side Access, $353,000,000.

(xxxi) New York–Second Avenue Subway, $5,000,000.

(xxxii) New York–Whitehall Ferry Terminal, $40,000,000.

(xxxiii) New York–St. George's Ferry Intermodal Terminal, $20,000,000.

(xxxiv) New York–Nassau Hub, $10,000,000.

(xxxv) New Jersey–New York Midtown West Ferry Terminal, $16,300,000.

(xxxvi) Cincinnati/Northern Kentucky Corridor, $65,000,000.

(xxxvii) Portland South–North Corridor, $25,000,000.

(xxxviii) Philadelphia–Schuylkill Valley Metro, $75,000,000.

(xxxix) Allegheny County Stage II Light Rail, $100,200,000.

(xl) Philadelphia–Pittsburgh High Speed Rail, $10,000,000.

(xli) Cumberland/Dauphin County Corridor 1 Commuter Rail, $20,000,000.

(xlii) Pittsburgh North Shore–Central Business District, $20,000,000.

(xliii) Providence–Boston Commuter, $10,000,000.

(xliv) Rhode Island Integrated Intermodal Transportation, $25,000,000.

(xlv) Dallas–North Central Extension, $188,000,000.

(xlvi) Dallas–Southeast Corridor, $20,000,000.

(xlvii) Dallas–Northwest Corridor, $12,000,000.

(xlviii) Washington, D.C., Dulles Corridor Extension, $86,000,000.

(xlix) Seattle–Tacoma Commuter Rail, $40,000,000.

(l) San Joaquin Regional Intermodal Corridor, $14,000,000.

(li) Railtran Corridor Light Rail, $12,000,000.

(B) The remainder shall be available for projects listed in subsections (a) and (b).

(2) ADDITIONAL FUNDS.—

(A) IN GENERAL.—The total amount authorized in section 5338(h)(5) of title 49, United States Code, for fiscal years 1999 through 2003 shall be available for projects listed in subsections (a) and (b).

(B) PRIORITY FOR SALT LAKE CITY OLYMPICS.—

(i) IN GENERAL.—Of the amount authorized to be appropriated under section 5338(h)(5), $640,000,000 is authorized to be appropriated for the Salt Lake City Winter Olympic Games for the following projects:

(I) North/South Light Rail.

(II) Airport to University of Utah Light Rail.

(III) Intermodal Facilities.

(IV) Park and Ride Lots.

(V) Bus Acquisition.

(ii) GOVERNMENT SHARE.—The Government share of the costs of projects assisted under this subparagraph shall not exceed 80 percent. For purposes of determining the nongovernmental share for projects authorized under this subparagraph, highway, aviation, and transit projects shall be considered to be a program of projects.

(iii) USE OF FUNDS.—Funds provided under this subparagraph shall be available for planning and capital assistance.

(3) HIGH PRIORITY PROJECT.—The Long Island Rail Road East Side Access project shall be given priority consideration by the Secretary for funds made available under paragraph (1)(B). In addition, that project is authorized for construction with funds available under section 5338(h)(5) of title 49, United States Code.

(d) EFFECT OF AUTHORIZATION.—

(1) IN GENERAL.—

(A) SUBSECTION (a) PROJECTS.—Projects authorized by subsection (a) for final design and construction are also authorized for alternatives analysis and preliminary engineering.

(B) SUBSECTION (B) PROJECTS.—Effective October 1, 2000, projects authorized by subsection (b) for alternatives analysis and preliminary engineering are also authorized for final design and construction.

(2) FIXED GUIDEWAY AUTHORIZATION.—The project authorized by subsection (a)(3) includes an additional 28 rapid rail cars and project scope changes from amounts authorized by the Intermodal Surface Transportation Efficiency Act of 1991.

(3) INTERMODAL CENTER AUTHORIZATIONS.—Notwithstanding any other provision of law, each of the following projects are eligible for funding under section 5309(m)(1)(C) of title 49, United States Code:

(A) Huntington, West Virginia Intermodal Facility project.

(B) Huntsville Intermodal Center project.

(e) NEW JERSEY URBAN CORE PROJECT.—

(1) ALLOCATIONS.—Section 3031(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) is amended by adding at the end the following:

''(3) ALLOCATIONS.—

''(A) RAIL CONNECTION BETWEEN PENN STATION NEWARK AND BROAD STREET STATION, NEWARK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the rail connection between Penn Station, Newark and Broad Street Station, Newark.

''(B) NEWARK—NEWARK INTERNATIONAL AIRPORT—ELIZABETH TRANSIT LINK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set aside under subparagraph (A), shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the Newark—Newark International Airport—Elizabeth Transit Link, including construction of the auxiliary New Jersey Transit station, described in subsection (d).

''(C) LIGHT RAIL CONNECTION AND ALIGNMENT WITHIN AND SERVING THE CITY OF ELIZABETH.—

Of amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set-aside under subparagraphs (A) and (B), shall set aside 10 percent but not more than $5,000,000 per fiscal year for preliminary engineering, design, and construction of the light rail connection and alignment within and serving the city of Elizabeth as described in subsection (d).''.

(2) CONFORMING AMENDMENT.—Section 3031(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) is amended—

(A) by striking ''section 3(i) of the Federal Transit Act (relating to criteria for new starts)'' and inserting ''section 5309(e) of title 49, United States Code,''; and

(B) by striking ''; except'' and all that follows through ''such element''.

(3) ELEMENTS OF NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) is amended—

(A) by inserting after ''Secaucus Transfer'' the following: ''(including relocation and construction of the Bergen County and Pascack Valley Rail Lines and the relocation of the Main/Bergen Connection with construction of a rail station and associated components to and at the contiguous New Jersey Meadowlands Sports Complex)'';

(B) by striking '', Newark-Newark International Airport-Elizabeth Transit Link'' and inserting ''(including a connection from the Vince Lombardi Station to Saddlebrook and Edgewater), restoration of commuter rail service along the Northern Branch Line of the West Shore Line, Newark-Newark International Airport-Elizabeth Transit Link (including construction of an auxiliary New Jersey Light Rail Transit station directly connected to and integrated with the Amtrak Northeast Corridor Station at Newark International Airport, providing access from the Newark-Newark International Airport-Elizabeth Light Rail Transit Link to the Newark International Airport)''; and

(C) by inserting after ''New York Penn Station Concourse,'' the following: ''the restoration of commuter rail service in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3035(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131), a light rail extension of the Newark-Newark International Airport-Elizabeth Light Rail Transit Link from Elizabeth, New Jersey, to the towns of Cranford, Westfield, Fanwood, and Plainfield in Union County, New Jersey, and any appropriate light rail connections and alignments within the city of Elizabeth to be determined by the city of Elizabeth and the New Jersey Department of Transportation (and which shall include connecting midtown Elizabeth to Route 1 Park and Ride, the Elizabeth Car House Museum, Division Street, Singer Place, Ferry Terminal, Jersey Gardens Mall, Elizabeth Port to Lot D at Newark Airport) and any appropriate fixed guideway system in Passaic County,''.

(f) LOS ANGELES MOS–3 PROJECT.—

(1) IN GENERAL.—For purposes of this section, the Los Angeles MOS–3 project referenced in subsection (a)(38) may include any fixed guideway project or projects selected by the Los Angeles County Metropolitan Transportation Authority for development in the transportation corridors to be served by the 3 extensions of MOS–3 of the Los Angeles County Metro Rail project, as described in section 3034(i) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) ALTERNATIVES.—In considering fixed guideway alternatives and selecting any revised preferred alternative in the East Side or Mid City corridors of MOS–3, the Los Angeles County Metropolitan Transportation Authority shall—

(A) fully evaluate the potential impact of the alternatives on the integrity of the neighborhoods in the corridor involved;

(B) address the capacity of the alternatives to serve transit dependent riders;

(C) identify and address any disproportionately high and adverse effects on minority and low income populations, in accordance with the Executive Order on Federal Actions to Address Environmental Justice (EO 12898; February 11, 1994); and

(D) otherwise comply with all applicable Federal and State planning and environmental requirements.

(g) BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—Section 3035(nn) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2134) is amended—

(1) in paragraph (1)—

(A) by inserting '', and alternatives for double tracking and related improvements'' after ''Penn Station extensions'';

(B) by inserting ''shall provide for double tracking and related improvements and'' after ''under this paragraph''; and

(C) by inserting after the first sentence the following: ''Funds for projects under this paragraph shall be provided at an 80 percent Government share. In applying the local share evaluation criteria in section 5309, of title 49, United States Code, the Secretary shall compare the aggregate expenditure of State and local funds, including Federal highway funds provided by the State of Maryland, for all phases of the Central Corridor Light Rail project.''; and

(2) in paragraph (2)—

(A) in the first sentence, by inserting '', including capacity and efficiency improvements through construction of a Penn-Camden Connection, MARC maintenance and storage facilities, and other capacity related improvements, and the Silver Spring Intermodal Center'' before the period; and

(B) in the second sentence, by inserting ''provide for construction of the Penn-Camden Connection, MARC maintenance and storage facilities, and other capacity related improvements, and the Silver Spring Intermodal Center, and shall'' after ''shall''.

SEC. 3031. PROJECTS FOR BUS AND BUS-RELATED FACILITIES.

(a) GUARANTEED FUNDING.—Of the amounts made available to carry out section 5309(m)(1)(C) of title 49, United States Code, for each of fiscal years 1999 and 2000, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

Project	*FY 1999 (in millions)*	*FY 2000 (in millions)*
1. Albuquerque, NM buses	*1.250*	*1.250*
2. Alexandria, VA bus maintenance facility	*1.000*	*1.000*
3. Alexandria, VA King Street Station access	*1.100*	*0.000*
4. Altoona, PA Metro Transit Authority buses and transit system improvements	*0.842*	*0.842*
5. Altoona, PA Metro Transit Authority Logan Valley Mall Suburban Transfer Center	*0.080*	*0.000*
6. Altoona, PA Metro Transit Authority Transit Center improvements	*0.424*	*0.000*
7. Arkansas Highway and Transit Department buses	*0.200*	*2.000*
8. Armstrong County-Mid County, PA bus facilities and buses	*0.150*	*0.150*
9. Atlanta, GA MARTA buses	*9.000*	*13.500*
10. Austin, TX buses	*1.250*	*1.250*
11. Babylon, NY Intermodal Center	*1.250*	*1.250*
12. Birmingham-Jefferson County, AL buses	*1.250*	*1.250*
13. Boulder/Denver, CO RTD buses	*0.625*	*0.625*
14. Bradford County, Endless Mountain Transportation Authority buses	*1.000*	*0.000*
15. Brookhaven Town, NY elderly and disabled buses and vans	*0.225*	*0.000*
16. Brooklyn-Staten Island, NY Mobility Enhancement buses	*0.800*	*0.000*
17. Broward County, FL buses	*1.000*	*0.000*
18. Buffalo, NY Auditorium Intermodal Center	*2.000*	*2.000*
19. Buffalo, NY Crossroads Intermodal Station	*1.000*	*0.000*
20. Cambria County, PA bus facilities and buses	*0.575*	*0.575*
21. Centre Area, PA Transportation Authority buses	*1.250*	*1.250*
22. Chambersburg, PA Transit Authority buses	*0.300*	*0.000*
23. Chambersburg, PA Transit Authority Intermodal Center	*1.000*	*0.000*
24. Chester County, PA Paoli Transportation Center	*1.000*	*1.000*
25. Altoona, PA Pedestrian Crossover	*.800*	*0.000*
26. Cleveland, OH Triskett Garage bus maintenance facility	*0.625*	*0.625*
27. Crawford Area, PA Transportation buses	*0.500*	*0.000*
28. Culver City, CA CityBus buses	*1.250*	*1.250*
29. Davis, CA Unitrans transit maintenance facility	*0.625*	*0.625*
30. Dayton, OH Multimodal Transportation Center	*0.625*	*0.625*
31. Daytona, FL Intermodal Center	*2.500*	*2.500*
32. Duluth, MN Transit Authority community circulation vehicles	*1.000*	*1.000*
33. Duluth, MN Transit Authority intelligent transportation systems	*0.500*	*0.500*
34. Duluth, MN Transit Authority Transit Hub	*0.500*	*0.500*
35. Dutchess County, NY Loop System buses	*0.521*	*0.521*
36. East Hampton, NY elderly and disabled buses and vans	*0.100*	*0.000*
37. Erie, PA Metropolitan Transit Authority buses	*1.000*	*1.000*
38. Everett, WA Multimodal Transportation Center	*1.950*	*1.950*
39. Fayette County, PA Intermodal Facilities and buses	*1.270*	*1.270*
40. Fayetteville, AR University of Arkansas Transit System buses	*0.500*	*0.500*
41. Fort Dodge, IA Intermodal Facility (Phase II)	*0.885*	*0.885*
42. Gary, IN Transit Consortium buses	*1.250*	*1.250*
43. Grant County, WA buses and vans	*0.600*	*0.000*
44. Greensboro, NC Multimodal Center	*3.340*	*3.339*
45. Greensboro, NC Transit Authority buses	*1.500*	*1.500*
46. Greensboro, NC Transit Authority small buses and vans	*0.321*	*0.000*
47. Hartford, CT Transportation Access Project	*0.800*	*0.000*
48. Healdsburg, CA Intermodal Facility	*1.000*	*1.000*
49. Honolulu, HI bus facility and buses	*2.250*	*2.250*
50. Hot Springs, AR Transportation Depot and Plaza	*0.560*	*0.560*
51. Humboldt, CA Intermodal Facility	*1.000*	*0.000*
52. Huntington, WV Intermodal Facility	*8.000*	*12.000*
53. Illinois statewide buses and bus-related equipment	*6.800*	*8.200*
54. Indianapolis, IN buses	*5.000*	*5.000*
55. Iowa/Illinois Transit Consortium bus safety and security	*1.000*	*1.000*
56. Ithaca, NY TCAT bus technology improvements	*1.250*	*1.250*
57. Lackawanna County, PA Transit System buses	*0.600*	*0.600*
58. Lakeland, FL Citrus Connection transit vehicles and related equipment	*1.250*	*1.250*
59. Lane County, OR Bus Rapid Transit	*4.400*	*4.400*
60. Lansing, MI CATA bus technology improvements	*0.600*	*0.000*
61. Little Rock, AR Central Arkansas Transit buses	*0.300*	*0.300*
62. Livermore, CA automatic vehicle locator	*1.000*	*1.000*
63. Long Island, NY CNG transit vehicles and facilities	*1.250*	*1.250*
64. Los Angeles County, CA Foothill Transit buses	*1.625*	*1.250*
65. New York, NY West 72nd St. Intermodal Station	*1.750*	*1.750*
66. Los Angeles, CA San Fernando Valley smart shuttle buses	*0.300*	*0.000*
67. Los Angeles, CA Union Station Gateway Intermodal Transit Center	*1.250*	*1.250*
68. Maryland statewide bus facilities and buses	*7.000*	*11.500*
69. Rensslear, NY Rensslear Intermodal Bus Facility	*1.000*	*6.000*
70. Mercer County, PA buses	*0.750*	*0.000*
71. Miami Beach, FL Electric Shuttle Service	*0.750*	*0.750*
72. Miami-Dade, FL buses	*2.250*	*2.250*
73. Michigan statewide buses	*10.000*	*13.500*
74. Milwaukee County, WI buses	*4.000*	*6.000*
75. Mineola/Hicksville, NY LIRR Intermodal Centers	*1.250*	*1.250*
76. Modesto, CA bus maintenance facility	*0.625*	*0.625*
77. Monroe County, PA Transportation Authority buses	*1.000*	*0.000*
78. Monterey, CA Monterey-Salinas buses	*0.625*	*0.625*
79. Morongo Basin, CA Transit Authority bus facility	*0.650*	*0.000*
80. New Haven, CT bus facility	*2.250*	*2.250*
81. New Jersey Transit jitney shuttle buses	*1.750*	*1.750*
82. Newark, NJ Morris & Essex Station access and buses	*1.250*	*1.250*
83. Northstar Corridor, MN Intermodal Facilities and buses	*6.000*	*10.000*
84. Norwich, CT buses	*2.250*	*2.250*
85. Ogden, UT Intermodal Center	*0.800*	*0.800*
86. Oklahoma statewide bus facilities and buses	*5.000*	*5.000*
87. Orlando, FL Downtown Intermodal Facility	*2.500*	*2.500*

Project	FY 1999 (in millions)	FY 2000 (in millions)
88. Providence, RI buses and bus maintenance facility	2.250	3.294
89. Perris, CA bus maintenance facility	1.250	1.250
90. Philadelphia, PA Frankford Transportation Center	5.000	5.000
91. Philadelphia, PA Intermodal 30th Street Station	1.250	1.250
92. Portland, OR Tri-Met buses	1.750	1.750
93. Pritchard, AL bus transfer facility	0.500	0.000
94. Reading, PA BARTA Intermodal Transportation Facility	1.750	1.750
95. Red Rose, PA Transit Bus Terminal	1.000	0.000
96. Richmond, VA GRTC bus maintenance facility	1.250	1.250
97. Riverhead, NY elderly and disabled buses and vans	0.125	0.000
98. Robinson, PA Towne Center Intermodal Facility	1.500	1.500
99. Rome, NY Intermodal Center	0.400	0.000
100. Sacramento, CA CNG buses	1.250	1.250
101. San Francisco, CA Islais Creek Maintenance Facility	1.250	1.250
102. San Juan, Puerto Rico Intermodal access	0.600	0.600
103. Santa Clarita, CA facilities and buses	1.250	1.250
104. Santa Cruz, CA bus facility	0.625	0.625
105. Santa Rosa/Cotati, CA Intermodal Transportation Facilities	0.750	0.750
106. Seattle, WA Intermodal Transportation Terminal	1.250	1.250
107. Shelter Island, NY elderly and disabled buses and vans	0.100	0.000
108. Smithtown, NY elderly and disabled buses and vans	0.125	0.000
109. Somerset County, PA bus facilities and buses	0.175	0.175
110. South Amboy, NJ Regional Intermodal Transportation Initiative	1.250	1.250
111. South Bend, IN Urban Intermodal Transportation Facility	1.250	1.250
112. South Carolina statewide Virtual Transit Enterprise	1.220	1.220
113. South Dakota statewide bus facilities and buses	1.500	1.500
114. Southampton, NY elderly and disabled buses and vans	0.125	0.000
115. Southold, NY elderly and disabled buses and vans	0.100	0.000
116. Springfield, MA Union Station	1.250	1.250
117. St. Louis, MO Bi-state Intermodal Center	1.250	1.250
118. Denver, CO Stapleton Intermodal Center	1.250	1.250
119. Suffolk County, NY elderly and disabled buses and vans	0.100	0.000
120. Texas statewide small urban and rural buses	4.000	4.500
121. Towamencin Township, PA Intermodal Bus Transportation Center	1.500	1.500
122. Tuscaloosa, AL Intermodal Center	1.000	0.000
123. Ukiah, CA Transportation Center	0.500	0.000
124. Utah Transit Authority, UT Intermodal Facilities	1.500	1.500
125. Utah Transit Authority/Park City Transit, UT buses	6.500	6.500
126. Utica, NY Union Station	2.100	2.100
127. Utica and Rome, NY bus facilities and buses	0.500	0.000
128. Washington County, PA Intermodal Facilities	0.630	0.630
129. Washington, D.C. Intermodal Transportation Center	2.500	2.500
130. Washoe County, NV transit improvements	2.250	2.250
131. Waterbury, CT bus facility	2.250	2.250
132. West Virginia statewide Intermodal Facility and buses	5.000	5.000
133. Westchester County, NY Bee-Line transit system fareboxes	0.979	0.979
134. Westchester County, NY Bee-Line transit system shuttle buses	1.000	1.000
135. Westchester County, NY DOT articulated buses	1.250	1.250
136. Westmoreland County, PA Intermodal Facility	0.200	0.200
137. Wilkes-Barre, PA Intermodal Facility	1.250	1.250
138. Williamsport, PA Bus Facility	1.200	1.200
139. Windsor, CA Intermodal Facility	0.750	0.750
140. Wisconsin statewide bus facilities and buses	8.000	12.000
141. Woodland Hills, CA Warner Center Transportation Hub	0.325	0.625
142. Worcester, MA Union Station Intermodal Transportation Center	2.500	2.500
143. Lynchburg, VA buses	0.200	0.000
144. Harrisonburg, VA buses	0.200	0.000
145. Roanoke, VA buses	0.200	0.000
146. Allegheny County, PA buses	0.000	1.500
147. Mount Vernon, WA Multimodal Center	1.750	1.750
148. New Bedford/Fall River, MA Mobile Access to health care	0.250	0.000
149. Philadelphia, PA Regional Transportation System for Elderly and Disabled	0.750	0.000
150. Clark County, NV Regional Transportation Commission	1.250	1.250

(b) GENERAL FUND AUTHORIZATION.—Of the amounts authorized to be appropriated to carry out section 5309(m)(1)(C) of title 49, United States Code, for each of fiscal years 1999 and 2000, there are authorized to be appropriated for the following projects:

Project	FY 1999 (in millions)	FY 2000 (in millions)
1. Everett, WA Multimodal Transportation Center	1.000	1.000
2. Rennslear, NY Rennslear Intermodal Bus Facility	4.000	0.000
3. Rochester, NY Rochester Central Bus Facility	12.500	12.500
4. Long Beach, NY Long Beach Central Bus Facility	0.750	0.750
5. Broome County, NY Buses and Related Equipment	2.700	2.700
6. Long Island, NY CNG Transit Vehicles and Facilities	3.050	3.050

SEC. 3032. CONTRACTING OUT STUDY.

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the effect of contracting out mass transportation operation administrative functions on cost, availability and level of service, efficiency, safety, quality of services provided to transit-dependent populations, and employer-employee relations.

(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider the number of grant recipients that have contracted out services, the size of the population served by such grant recipients, the basis for decisions regarding contracting out, and the extent to which contracting out was affected by the integration and coordination of resources of transit agencies and other Federal agencies and programs; and

(2) the panel conducting the study shall include representatives of transit agencies, employees of transit agencies, private contractors, academic and policy analysts, and other interested persons.

(c) REPORT.—Not later than 24 months after the date of entry into the agreement under subsection (a), the Secretary 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 containing the results of the study.

(d) FUNDING.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section $250,000 for fiscal year 1998.

(e) CONTRACTUAL OBLIGATION.—Entry into an agreement to carry out this section that is financed with amounts made available under subsection (c) is a contractual obligation of the United States to pay the Government's share of the cost of the study.

SEC. 3033. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary 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 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.

SEC. 3034. COORDINATED TRANSPORTATION SERVICES.

(a) STUDY.—The Comptroller General shall conduct a study of Federal departments and agencies (other than the Department of Transportation) that receive Federal financial assistance for non-emergency transportation services.

(b) CONTENTS.—In conducting the study, the Comptroller General shall—

(1) identify each Federal department and agency (other than the Department of Transportation) that has received Federal financial assistance for non-emergency transportation services in any of the 3 fiscal years preceding the date of enactment of this Act;

(2) identify the amount of such assistance received by each Federal department and agency in such fiscal years; and

(3) identify the projects and activities funded using such financial assistance.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General 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 containing the results of the study and any recommendations for enhanced coordination between the Department of Transportation and other Federal departments and agencies that provide funding for non-emergency transportation.

SEC. 3035. FINAL ASSEMBLY OF BUSES.

(a) IN GENERAL.—All buses manufactured on or after September 1, 1999, that are purchased with Federal funds by recipients of assistance from the Federal Transit Administration shall conform with the Federal Transit Administration Guidance on Buy America Requirements, dated March 18, 1997.

(b) RULE OF CONSTRUCTION.—For purposes of this section, a bus shall be considered to be manufactured on or after September 1, 1999, if the manufacturing process for that bus is not completed on or before August 31, 1999.

SEC. 3036. CLEAN FUEL VEHICLES.

(a) STUDY.—The Comptroller General shall conduct a study of the various low and zero emission fuel technologies for transit vehicles, including compressed natural gas, liquefied natural gas, biodiesel fuel, battery, alcohol based fuel, hybrid electric, fuel cell, and clean diesel to determine—

(1) the status of the development and use of such technologies;

(2) the environmental benefits of such technologies under the Clean Air Act; and

(3) the cost of such technologies and any associated equipment.

(b) REPORT.—Not later than January 1, 2000, the Comptroller General 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, together with recommendations for incentives to encourage the use of low and zero emission fuel technology for transit vehicles.

SEC. 3037. 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 less 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) DEFINITIONS.—In this section, the following definitions shall apply:

(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 AND RELATED TERMS.—

(A) IN GENERAL.—The term ''eligible project'' means an access to jobs project or a reverse commute project.

(B) ACCESS TO JOBS PROJECT.—The term ''access to jobs 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. The Secretary may make access to jobs grants for—

(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 program under section 132 of the Internal Revenue Code of 1986.

(C) REVERSE COMMUTE PROJECT.—The term ''reverse commute project' means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

(i) subsidize the costs associated with adding reverse commute bus, train, carpool, van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

(ii) subsidize the purchase or lease by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace; or

(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities.

(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) QUALIFIED ENTITY.—The term ''qualified entity'' means—

(A) with respect to any proposed eligible project in an urbanized area with a population of at least 200,000, the applicant or applicants selected by the appropriate metropolitan planning organization that meets the requirements of this section, including the planning and coordination requirements in subsection (i), from among local governmental authorities and agencies and nonprofit organizations; and

(B) with respect to any proposed eligible project in an urbanized area with a population of at least 200,000, or an area other than an urbanized area, the applicant or applicants selected by the chief executive officer of the State in which the area is located that meets the requirements of this section, including the planning and coordination requirements in subsection (i), from among local governmental authorities and nonprofit organizations.

(5) 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.

(c) 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.

(d) 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.

(e) PROHIBITION.—Grants awarded under this section may not be used for planning or coordination activities.

(f) FACTORS FOR CONSIDERATION.—In awarding grants under this section to applicants under subsection (d), 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 an applicant seeking assistance to finance an access to jobs project, the need for additional services in the area to be served by the applicant (including bicycling) 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—

(A) coordination with, and the financial commitment of, existing transportation service providers; and

(B) coordination with the State agency that administers the State program funded under part A of title IV of the Social Security Act;

(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 an applicant seeking assistance to finance an access to jobs project, 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 an applicant seeking assistance to finance a reverse commute project, 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.

(g) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis.

(h) COST SHARING.—

(1) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

(2) NONGOVERNMENTAL SHARE.—

(A) IN GENERAL.—The portion of the total cost of an eligible project that is not funded under this section—

(i) shall be provided in cash from sources other than revenues from providing mass transportation, but may include amounts received under a service agreement; and

(ii) may be derived from amounts appropriated to or 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.

(B) INAPPLICABILITY.—For purposes of subparagraph (A)(ii), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(ii) of the Social Security Act shall not apply to Federal or State funds to be used for transportation services.

(i) PLANNING REQUIREMENTS.—

(1) IN GENERAL.—The requirements of sections 5303 through 5306 of title 49, United States Code, 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 under this section shall be part of a coordinated public transit-human services transportation planning process.

(j) 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 of title 49, United States Code, is subject; and

(2) such other terms and conditions as are determined by the Secretary.

(k) 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 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).

(l) AUTHORIZATION AND ALLOCATION.—

(1) IN GENERAL.—

(A) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section—

(i) $40,000,000 for fiscal year 1999;

(ii) $60,000,000 for fiscal year 2000;

(iii) $80,000,000 for fiscal year 2001;

(iv) $100,000,000 for fiscal year 2002; and

(v) $120,000,000 for fiscal year 2003.

(B) FROM THE GENERAL FUND.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated to carry out this section—

(i) $10,000,000 for fiscal year 1999;

(ii) $15,000,000 for fiscal year 2000;

(iii) $20,000,000 for fiscal year 2001;

(iv) $25,000,000 for fiscal year 2002; and

(v) $30,000,000 for fiscal year 2003.

(C) ADDITIONAL AMOUNTS FROM THE GENERAL FUND.—In addition to amounts made available under subparagraphs (A) and (B), there are authorized to be appropriated to carry out this section—

(i) $100,000,000 for fiscal year 1999;

(ii) $75,000,000 for fiscal year 2000;

(iii) $50,000,000 for fiscal year 2001; and

(iv) $25,000,000 for fiscal year 2002.

(2) SET-ASIDE FOR REVERSE COMMUTE PROJECTS.—Of amounts made available by or appropriated under subparagraphs (A) and (B) of paragraph (1) to carry out this section in each fiscal year, not more than $10,000,000 shall be used for grants for reverse commute projects.

(3) ALLOCATION.—The amounts made available by or appropriated under paragraph (1) 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 at least 200,000.

(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of at least 200,000.

(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.

SEC. 3038. RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) INTERCITY, FIXED-ROUTE OVER-THE-ROAD BUS SERVICE.—The term ''intercity, fixed-route over-the-road bus service'' means regularly scheduled bus service for the general public, using an over-the-road bus, that—

(A) operates with limited stops over fixed routes connecting 2 or more urban areas not in close proximity;

(B) has the capacity for transporting baggage carried by passengers; and

(C) makes meaningful connections with scheduled intercity bus service to more distant points.

(2) OTHER OVER-THE-ROAD BUS SERVICE.—The term ''other over-the-road bus service'' means any other transportation using over-the-road buses including local fixed-route service, commuter service, and charter or tour service (including tour or excursion service that includes features in addition to bus transportation such as meals, lodging, admission to points of interest or special attractions or the services of a tour guide).

(3) OVER-THE-ROAD BUS.—The term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(b) GENERAL AUTHORITY.—The Secretary shall make grants under this section to operators of over-the-road buses to finance the incremental capital and training costs of complying with the Department of Transportation's final rule regarding accessibility of over-the-road buses required by section 306(a)(2)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12186(a)(2)(B)).

(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary shall consider—

(1) the identified need for over-the-road bus accessibility for persons with disabilities in the areas served by the applicant;

(2) the extent to which the applicant demonstrates innovative strategies and financial commitment to providing access to over-the-road buses to persons with disabilities;

(3) the extent to which the over-the-road bus operator acquires equipment required by the final rule prior to any required timeframe in the final rule;

(4) the extent to which financing the costs of complying with the Department of Transportation's final rule regarding accessibility of over-the-road buses presents a financial hardship for the applicant; and

(5) the impact of accessibility requirements on the continuation of over-the-road bus service, with particular consideration of the impact of the requirements on service to rural areas and for low-income individuals.

(d) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis.

(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds made available to carry out this section. The Federal share of the costs for a project shall not exceed 50 percent of the project cost.

(f) GRANT REQUIREMENTS.—A grant under this section shall be subject to all of the terms and conditions applicable to subrecipients who provide intercity bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as the Secretary may prescribe.

(g) FUNDING.—

(1) INTERCITY, FIXED-ROUTE OVER-THE-ROAD BUS SERVICE.—Of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, (before allocation under section 5338(a)(2)(C) of that title) the following amounts shall be available for operators of intercity, fixed-route over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses:

(A) $2,000,000 for fiscal year 1999.

(B) $2,000,000 for fiscal year 2000.

(C) $3,000,000 for fiscal year 2001.

(D) $5,250,000 for fiscal year 2002.

(E) $5,250,000 for fiscal year 2003.

(2) OTHER OVER-THE-ROAD BUS SERVICE.—Of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, (before allocation under section 5338(a)(2)(C) of that title) $6,800,000 shall be available for each of fiscal years 2000 through 2003 for operators of other over-the-road bus service to finance the incremental capital and training costs of the Department of Transportation's final rule regarding accessibility of over-the-road buses.

SEC. 3039. STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS.

(a) PURPOSES.—The purposes of this section are to encourage and promote the development of transportation systems for the betterment of the national parks and other units of the National Park System, national wildlife refuges, recreational areas, and other public lands in order to conserve natural, historical, and cultural resources and prevent adverse impact, relieve congestion, minimize transportation fuel consumption, reduce pollution (including noise and visual pollution), and enhance visitor mobility and accessibility and the visitor experience.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of the Interior, shall undertake a comprehensive study of alternative transportation needs in national parks and related public lands managed by Federal land management agencies in order to carry out the purposes described in subsection (a). The study shall be submitted to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than January 1, 2000.

(2) STUDY ELEMENTS.—The study required by paragraph (1) shall—

(A) identify transportation strategies that improve the management of the national parks and related public lands;

(B) identify national parks and related public lands with existing and potential problems of adverse impact, high congestion, and pollution, or which can benefit from alternative transportation modes;

(C) assess the feasibility of alternative transportation modes; and

(D) identify and estimate the costs of alternative transportation modes for each of the national parks and related public lands referred to in paragraph (1).

SEC. 3040. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by, and amounts appropriated under, subsections (a) through (f) of section 5338 of title 49, United States Code, and subparagraphs (A) and (B) of section 3037(l)(1) of this Act, shall not exceed—

(1) $5,315,000,000 in fiscal year 1999;

(2) $5,798,000,000 in fiscal year 2000;

(3) $6,271,000,000 in fiscal year 2001;

(4) $6,746,000,000 in fiscal year 2002; and

(5) $7,226,000,000 in fiscal year 2003.

SEC. 3041. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 1997.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall ensure that the total apportionments and allocations made to a designated grant recipient under section 5338 of title 49, United States Code, for fiscal year 1998 shall be reduced by the amount apportioned to such designated recipient pursuant to section 8 of the Surface Transportation Extension Act of 1997 (111 Stat. 2559).

(b) FIXED GUIDEWAY MODERNIZATION ADJUSTMENT.—In making the apportionments described in subsection (a), the Secretary shall adjust the amount apportioned to each urbanized area for fixed guideway modernization for fiscal year 1998 to reflect the method for apportioning funds in section 5337(a) of title 49, United States Code.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 4001. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically 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 of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 4002. STATEMENT OF PURPOSES.

(a) IN GENERAL.—Chapter 311 is amended by inserting before section 31101 the following:

''§ 31100. Purpose

''The purpose of this subchapter is to ensure that the Secretary, States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

''(1) focusing resources on strategic safety investments to promote safe for-hire and private transportation, including transportation of passengers and hazardous materials, to identify high-risk carriers and drivers, and to invest in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes;

''(2) increasing administrative flexibility and developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including improving enforcement of State and local traffic safety laws and regulations;

''(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information and analysis systems, and monitoring program effectiveness;

''(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and

''(5) advancing promising technologies and encouraging adoption of safe operational practices.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 311 is amended by inserting before the item relating to section 31101 the following:

''31100. Purpose.''.

SEC. 4003. STATE GRANTS.

(a) DEFINITIONS.—Section 31101 is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''or gross vehicle weight'' after ''rating''; and

(B) by striking ''10,000 pounds'' and inserting ''10,001 pounds, whichever is greater''; and

(2) in paragraph (1)(C) by inserting ''and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103'' after ''title''.

(b) PERFORMANCE-BASED GRANTS AND HAZARDOUS MATERIALS TRANSPORTATION SAFETY.—Section 31102 is amended—

(1) in subsection (a)—

(A) by inserting ''improving motor carrier safety and'' after ''programs for''; and

(B) by inserting '', hazardous materials transportation safety,'' after ''commercial motor vehicle safety''; and

(2) in the first sentence of paragraph (b)(1)—

(A) by striking ''adopt and assume responsibility for enforcing'' and inserting ''assume responsibility for improving motor carrier safety and to adopt and enforce''; and

(B) by inserting '', hazardous materials transportation safety,'' after ''commercial motor vehicle safety''.

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

(1) in subparagraph (J) by inserting ''(1)'' after ''(c)'';

(2) by striking subparagraphs (K), (L), and (M) and inserting the following:

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

''(L) ensures participation in SAFETYNET and other information systems by all appropriate jurisdictions receiving funding under this section;

''(M) ensures that information is exchanged among the States in a timely manner;'';

(3) in subparagraph (O)—

(A) by inserting after ''activities'' the following: ''in support of national priorities and performance goals, including'';

(B) by striking ''to remove'' in clause (i) and inserting ''activities aimed at removing'';

(C) by striking ''to provide'' in clause (ii) and inserting ''activities aimed at providing'';

(D) by inserting ''and'' after the semicolon at the end of clause (ii); and

(E) by striking clauses (iii) and (iv) and inserting the following:

''(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities;'';

(4) by striking subparagraph (P) and inserting the following:

''(P) provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;'';

(5) in subparagraph (Q)—

(A) by striking ''31140 and 31146'' and inserting ''31138 and 31139''; and

(B) by striking the period at the end and inserting a semicolon;

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

(7) by inserting before subparagraph (B) (as redesignated by paragraph (6) of this subsection) the following:

''(A) implements performance-based activities by fiscal year 2000;''; and

(8) by adding at the end the following:

''(S) ensures consistent, effective, and reasonable sanctions; and

''(T) ensures that roadside inspections will be conducted at a location that is adequate to protect the safety of drivers and enforcement personnel.''.

(d) FEDERAL SHARE.—Section 31103 is amended—

(1) by inserting ''(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—'' before ''The Secretary of Transportation'';

(2) by inserting ''improve commercial motor vehicle safety and'' before ''enforce''; and

(3) by adding at the end the following:

''(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for public education activities authorized by section 31104(f)(2).''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 31104(a) is amended to read as follows:

''(a) IN GENERAL.—The following amounts are made available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102:

''(1) Not more than $79,000,000 for fiscal year 1998.

''(2) Not more than $90,000,000 for fiscal year 1999.

''(3) Not more than $95,000,000 for fiscal year 2000.

''(4) Not more than $100,000,000 for fiscal year 2001.

''(5) Not more than $105,000,000 for fiscal year 2002.

''(6) Not more than $110,000,000 for fiscal year 2003.''.

(f) CONFORMING AMENDMENT.—Section 31104(b) is amended by striking ''(1)'' and by striking paragraph (2).

(g) ALLOCATION CRITERIA AND ELIGIBILITY.—Section 31104 is further amended—

(1) by striking subsections (f) and (g) and inserting the following:

''(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

''(1) IN GENERAL.—On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

''(2) HIGH-PRIORITY AND BORDER ACTIVITIES.—

''(A) HIGH-PRIORITY ACTIVITIES AND PROJECTS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) for States, local governments, and other persons for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, including activities and projects that are national in scope, increase public awareness and education, or demonstrate new technologies. The amounts designated under this subparagraph shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

''(B) BORDER COMMERCIAL MOTOR VEHICLE SAFETY AND ENFORCEMENT PROGRAMS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects. The amounts designated under this subparagraph shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.'';

(2) by redesignating subsection (h) as subsection (g);

(3) by striking subsection (i); and

(4) by redesignating subsection (j) as subsection (h).

(h) SAVINGS CLAUSE.—Amendments made by this section shall not affect any funds made available before the date of enactment of this Act.

SEC. 4004. INFORMATION SYSTEMS.

(a) IN GENERAL.—Section 31106 is amended to read as follows:

''§ 31106. Information systems

''(a) INFORMATION SYSTEMS AND DATA ANALYSIS.—

''(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall establish and operate motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety regulatory and enforcement activities required under this title.

''(2) NETWORK COORDINATION.—In cooperation with the States, the information systems under this section shall be coordinated into a network providing accurate identification of motor carriers and drivers, commercial motor vehicle registration and license tracking, and motor carrier, commercial motor vehicle, and driver safety performance data.

''(3) DATA ANALYSIS CAPACITY AND PROGRAMS.—The Secretary shall develop and maintain under this section data analysis capacity and programs that provide the means to—

''(A) identify and collect necessary motor carrier, commercial motor vehicle, and driver data;

''(B) evaluate the safety fitness of motor carriers and drivers;

''(C) develop strategies to mitigate safety problems and to use data analysis to address and measure the effectiveness of such strategies and related programs;

''(D) determine the cost-effectiveness of Federal and State safety compliance and enforcement programs and other countermeasures; and

''(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate.

''(4) STANDARDS.—To implement this section, the Secretary shall prescribe technical and operational standards to ensure—

''(A) uniform, timely, and accurate information collection and reporting by the States and other entities as determined appropriate by the Secretary;

''(B) uniform Federal, State, and local policies and procedures necessary to operate the information system; and

''(C) the reliability and availability of the information to the Secretary and States.

''(b) PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—

''(1) INFORMATION CLEARINGHOUSE.—The Secretary shall include, as part of the motor carrier information system authorized by this section, a program to establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles, the registrants of such vehicles, and the motor carriers operating such vehicles. The clearinghouse and repository may include information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on motor carrier, commercial motor vehicle, and driver safety performance.

''(2) DESIGN.—The program shall link Federal motor carrier safety information systems with State driver and commercial vehicle registration and licensing systems and shall be designed to enable a State to—

''(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and

''(B) decide, in cooperation with the Secretary, whether and what types of sanctions or operating limitations to impose on the motor carrier or registrant to ensure safety.

''(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

''(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4); and

''(B) possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

''(4) FUNDING.—The Secretary may make available up to 50 percent of the amounts available to carry out this section by section 31107 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out this subsection. The Secretary is encouraged to direct no less than 80 percent of amounts made available to carry out this subsection to States that have not previously received financial assistance to develop or implement the information systems authorized by this section.

''(c) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—In coordination with the information system under section 31309, the Secretary is authorized to establish a program to improve commercial motor vehicle driver safety. The objectives of the program shall include—

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

''(2) providing information to the judicial system on commercial motor vehicle drivers;

''(3) evaluating any aspect of driver performance that the Secretary determines appropriate; and

''(4) developing appropriate strategies and countermeasures to improve driver safety.

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

''(e) INFORMATION AVAILABILITY AND PRIVACY PROTECTION POLICY.—The Secretary shall develop a policy on making information available from the information systems authorized by this section and section 31309. The policy shall be consistent with existing Federal information laws, including regulations, and shall provide for review and correction of such information in a timely manner.''.

(b) CONTRACT AUTHORITY FUNDING.—Section 31107 is amended to read as follows:

''§ 31107. Contract authority funding for information systems

''(a) FUNDING.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 31106 and 31309 of this title—

''(1) $6,000,000 for fiscal year 1998;

''(2) $10,000,000 for each of fiscal years 1999 and 2000; and

''(3) $12,000,000 for each of fiscal years 2001 through 2002.

''(4) $15,000,000 for fiscal year 2003.

The amounts made available under this subsection shall remain available until expended.

''(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States Government a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.''.

(c) SUBCHAPTER HEADING.—The heading for subchapter I of chapter 311 is amended by inserting after ''GRANTS'' the following: ''AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS''.

(d) CONFORMING AMENDMENTS.—The analysis for chapter 311 is amended—

(1) by striking

''SUBCHAPTER I—STATE GRANTS''

and inserting

''SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS'';

and

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

''31106. Information systems.
''31107. Contract authority funding for information systems.''.

SEC. 4005. AUTOMOBILE TRANSPORTER DEFINED.

Section 31111(a) is amended—

(1) by striking ''section—'' and inserting ''section, the following definitions apply:'';

(2) by inserting after ''(1)'' the following: ''MAXI-CUBE VEHICLE.—The term'';

(3) by inserting after ''(2)'' the following: ''TRUCK TRACTOR.—The term'';

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

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

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

SEC. 4006. INSPECTIONS AND REPORTS.

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

(b) REPORTS AND RECORDS.—Section 504(c) is amended by inserting ''(and, in the case of a motor carrier, a contractor)'' after ''employee''.

SEC. 4007. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.

(a) IN GENERAL.—Section 31315 is amended to read as follows:

''§ 31315. Waivers, exemptions, and pilot programs

''(a) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this chapter or section 31136 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

''(1) for a period not in excess of 3 months;

''(2) limited in scope and circumstances;

''(3) for nonemergency and unique events; and

''(4) subject to such conditions as the Secretary may impose.

''(b) EXEMPTIONS.—

''(1) IN GENERAL.—Upon receipt of a request pursuant to paragraph (3), the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.

''(2) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if—

''(A) the person fails to comply with the terms and conditions of such exemption;

''(B) the exemption has resulted in a lower level of safety than was maintained before the exemption was granted; or

''(C) continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

''(3) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

''(A) The provisions from which the person requests exemption.

''(B) The time period during which the requested exemption would apply.

''(C) An analysis of the safety impacts the requested exemption may cause.

''(D) The specific countermeasures the person would undertake to ensure an equivalent or greater level of safety than would be achieved absent the requested exemption.

''(4) NOTICE AND COMMENT.—

''(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Federal Register a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

''(B) UPON GRANTING A REQUEST.—Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption.

''(C) AFTER DENYING A REQUEST.—After denying a request for exemption, the Secretary shall publish in the Federal Register the name of the person denied the exemption and the reasons for such denial. The Secretary may meet the requirement of this subparagraph by periodically publishing in the Federal Register the names of persons denied exemptions and the reasons for such denials.

''(5) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a thorough review of its safety implications, but in no case later than 180 days after the filing date of such request.

''(6) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

''(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before granting a request for exemption, the Secretary shall notify State safety compliance and enforcement personnel, including roadside inspectors, and the public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.

''(c) PILOT PROGRAMS.—

''(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate alternatives to regulations relating to, or innovative approaches to, motor carrier, commercial motor vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish in the Federal Register a detailed description of each pilot program, including the exemptions to be considered, and provide notice and an opportunity for public comment before the effective date of the program.

''(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, 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 regulations prescribed under this chapter or section 31136. The Secretary shall include, at a minimum, the following elements in each pilot program plan:

''(A) A scheduled life of each pilot program of not more than 3 years.

''(B) A specific data collection and safety analysis plan that identifies a method for comparison.

''(C) A reasonable number of participants necessary to yield statistically valid findings.

''(D) An oversight plan to ensure that participants comply with the terms and conditions of participation.

''(E) Adequate countermeasures to protect the health and safety of study participants and the general public.

''(F) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

''(3) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, commercial motor vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

''(4) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

''(5) REPORT TO CONGRESS.—At the conclusion of each pilot program, the Secretary shall report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to laws and regulations that would enhance motor carrier, commercial motor vehicle, and driver safety and improve compliance with national safety standards.

''(d) PREEMPTION OF STATE RULES.—During the time period that a waiver, exemption, or pilot program is in effect under this chapter or section 31136, no State shall enforce any law or regulation that conflicts with or is inconsistent with the waiver, exemption, or pilot program with respect to a person operating under the waiver or exemption or participating in the pilot program.''.

(b) CHAPTER ANALYSIS AMENDMENT.—The analysis for chapter 313 is amended by striking the item relating to section 31315 and inserting the following:

''31315. Waivers, exemptions, and pilot programs.''.

(c) CONFORMING AMENDMENT.—Section 31136(e) of such title is amended to read as follows:

''(e) EXEMPTIONS.—The Secretary may grant in accordance with section 31315 waivers and exemptions from, or conduct pilot programs with respect to, any regulations prescribed under this section.''.

(d) PROTECTION OF EXISTING EXEMPTIONS.—The amendments made by this section shall not apply to or otherwise affect a waiver, exemption, or pilot program in effect on the day before the date of enactment of this Act under chapter 313 or section 31136(e) of title 49, United States Code.

SEC. 4008. SAFETY REGULATION.

(a) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31132(1) is amended—

(1) in subparagraph (A)—

(A) by inserting ''or gross vehicle weight'' after ''rating''; and

(B) by inserting '', whichever is greater'' after ''pounds''; and

(2) in subparagraph (B) by striking ''passengers'' and all that follows through the semicolon at the end and inserting ''more than 8 passengers (including the driver) for compensation;''.

(b) APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES.—Effective on the last day of the 1-year period beginning on the date of enactment of this Act, regulations prescribed under section 31136 of title 49, United States Code, shall apply to operators of commercial motor vehicles described in section 31132(1)(B) of such title (as amended by subsection (a)) to the extent that those regulations did not apply to those operators on the day before such effective date, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.

(c) REPEAL OF REVIEW PANEL.—Section 31134, and the item relating to such section in the analysis for chapter 311, are repealed.

(d) REPEAL OF SUBMISSION TO REVIEW PANEL.—Section 31140, and the item relating to such section in the analysis for chapter 311, are repealed.

(e) REVIEW PROCEDURE.—Section 31141 is amended—

(1) by striking subsections (b) and (c) and inserting the following:

''(b) SUBMISSION OF REGULATION.—A State receiving funds made available under section 31104 that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary immediately after the enactment or issuance.

''(c) REVIEW AND DECISIONS BY SECRETARY.—

''(1) REVIEW.—The Secretary shall review State laws and regulations on commercial motor vehicle safety. The Secretary shall decide whether the State law or regulation—

''(A) has the same effect as a regulation prescribed by the Secretary under section 31136;

''(B) is less stringent than such regulation; or

''(C) is additional to or more stringent than such regulation.

''(2) REGULATIONS WITH SAME EFFECT.—If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

''(3) LESS STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

''(4) ADDITIONAL OR MORE STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

''(A) the State law or regulation has no safety benefit;

''(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

''(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

''(5) CONSIDERATION OF EFFECT ON INTERSTATE COMMERCE.—In deciding under paragraph (4) whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.'';

(2) by striking subsection (e); and

(3) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively.

(f) INSPECTION OF SAFETY EQUIPMENT.—Section 31142(a) is amended by striking ''part 393 of title 49, Code of Federal Regulations'' and inserting ''the regulations issued under section 31136''.

(g) PROTECTION OF STATES PARTICIPATING IN STATE GROUPS.—Section 31142(c)(1)(C) is amended to read as follows:

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

SEC. 4009. SAFETY FITNESS.

(a) IN GENERAL.—Section 31144 is amended to read as follows:

''§ 31144. Safety fitness of owners and operators

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

''(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

''(2) periodically update such safety fitness determinations;

''(3) make such final safety fitness determinations readily available to the public; and

''(4) prescribe by regulation penalties for violations of this section consistent with section 521.

''(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining the safety fitness of an owner or operator. The procedure shall include, at a minimum, the following elements:

''(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

''(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

''(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

''(c) PROHIBITED TRANSPORTATION.—

''(1) IN GENERAL.—Except as provided in sections 521(b)(5)(A) and 5113 and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

''(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

''(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

''(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

''(d) REVIEW OF FITNESS DETERMINATIONS.—

''(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

''(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

''(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport

hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

''(e) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.''.

(b) CONFORMING AMENDMENT.—Section 5113 is amended by striking subsections (a), (b), (c), and (d) and inserting the following:

''See section 31144.''.

SEC. 4010. REPEAL OF CERTAIN OBSOLETE MISCELLANEOUS AUTHORITIES.

Subchapter IV of chapter 311 (including sections 31161 and 31162), and the items relating to such subchapter and sections in the analysis for chapter 311, are repealed.

SEC. 4011. COMMERCIAL VEHICLE OPERATORS.

(a) COMMERCIAL MOTOR VEHICLE DEFINED.—Section 31301(4) is amended—

(1) in subparagraph (A)—

(A) by inserting ''or gross vehicle weight'' after ''rating'' the first 2 places it appears; and

(B) by inserting '', whichever is greater,'' after ''pounds'' the first place it appears; and

(2) in subparagraph (C)(ii)—

(A) by inserting ''is'' before ''transporting'' each place it appears; and

(B) by inserting ''is'' before ''not otherwise''.

(b) PROHIBITION ON CMV OPERATION WITHOUT CDL.—

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

''§ 31302. Commercial driver's license requirement

''No individual shall operate a commercial motor vehicle without a valid commercial driver's license issued in accordance with section 31308. An individual operating a commercial motor vehicle may have only one driver's license at any time.''.

(2) CONFORMING AMENDMENT.—The item relating to section 31302 in the analysis for chapter 313 is amended to read as follows:

''31302. Commercial driver's license requirement.''.

(c) UNIQUE IDENTIFIERS IN CDLS.—

(1) IN GENERAL.—Section 31308(2) is amended by inserting before the semicolon ''and each license issued after January 1, 2001, include unique identifiers (which may include biometric identifiers) to minimize fraud and duplication''.

(2) DEADLINE FOR ISSUANCE OF REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1).

(d) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309 of such title is amended—

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

(2) by inserting after the first sentence of subsection (a) the following: ''The system shall be coordinated with activities carried out under section 31106.'';

(3) by striking subsections (b) and (c);

(4) by striking subsection (d)(2) and inserting the following:

''(2) The information system under this section must accommodate any unique identifiers required to minimize fraud or duplication of a commercial driver's license under section 31308(2).'';

(5) by striking subsection (e) and inserting the following:

''(e) AVAILABILITY OF INFORMATION.—Information in the information system shall be made available and subject to review and correction in accordance with the policy developed under section 31106(e).'';

(6) in subsection (f) by striking ''If the Secretary establishes an information system under this section, the'' and inserting ''The'';

(7) by striking ''shall'' in the first sentence of subsection (f) and inserting ''may''; and

(8) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

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

(1) in paragraph (15) by striking ''section 31310(b)–(e) of this title'' and inserting ''subsections (b)–(e), (g)(1)(A), and (g)(2) of section 31310'';

(2) by striking paragraph (17); and

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

(f) REPEAL OF OBSOLETE GRANT PROGRAMS.—Sections 31312 and 31313, and the items relating to such sections in the analysis for chapter 313, are repealed.

(g) UPDATING AMENDMENTS.—Section 31314 is amended—

(1) by striking ''(2), (5), and (6)'' each place it appears in subsections (a) and (b) and inserting ''(3), and (5)'';

(2) in subsection (c) by striking ''(1) Amounts'' and all that follows through ''(2) Amounts'' and inserting ''Amounts'';

(3) by striking subsection (d); and

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

SEC. 4012. EXEMPTION FROM CERTAIN REGULATIONS FOR UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS.

(a) IN GENERAL.—Section 31502 is amended by adding at the end the following:

''(e) EXCEPTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, regulations issued under this section or section 31136 regarding—

''(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles,

''(B) physical testing, reporting, or recordkeeping, and

''(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

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.—An elected State or local government official or elected officials of more than one State or local government jointly may issue an emergency declaration for purposes of paragraph (1) 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 of the driver to which the declaration applied.

''(4) DEFINITIONS.—In this subsection, the following definitions apply:

''(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; 109 Stat. 613).

''(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning that term has under section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat 614–615).''.

(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.—In this subsection, the following definitions apply:

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

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term ''driver of a utility service vehicle'' has the meaning that term has under section 31502(e)(2) of such title.

(C) REGULATION.—The term ''regulation'' has the meaning that term has under section 31132 of such title.

(D) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' has the meaning that term has under section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 614–615).

SEC. 4013. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Sections 31702, 31703, and 31708, and the items relating to such sections in the analysis for chapter 317, are repealed.

SEC. 4014. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS; LIMITATION ON LIABILITY.

(a) IN GENERAL.—

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

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

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

''(1) a motor carrier requesting the safety performance records of an individual under consideration for employment as a commercial motor vehicle driver as required by and in accordance with regulations issued by the Secretary;

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

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

''(b) RESTRICTIONS ON APPLICABILITY.—

''(1) MOTOR CARRIER REQUESTING.—Subsection (a) does not apply to a motor carrier requesting safety performance records unless—

''(A) the motor carrier and any agents of the motor carrier have complied with the regulations issued by the Secretary in using the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records;

''(B) the motor carrier and any agents and insurers of the motor carrier have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for such an insurer, not directly involved in deciding whether to hire that individual; and

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

''(2) PERSON COMPLYING WITH REQUESTS.—Subsection (a) does not apply to a person complying with a request for safety performance records unless—

''(A) the complying person and any agents of the complying person have taken all precautions reasonably necessary to ensure the accuracy of the records and have complied with the regulations issued by the Secretary in furnishing the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records; and

''(B) the complying person and any agents and insurers of the complying person have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for such an insurer, not directly involved in forwarding the records.

''(3) PERSONS KNOWINGLY FURNISHING FALSE INFORMATION.—Subsection (a) does not apply to persons who knowingly furnish false information.

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

(2) CONFORMING AMENDMENT.—The analysis for chapter 5 is amended by inserting after the item relating to section 507 the following:

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

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 31, 1999.

(c) SAFETY PERFORMANCE HISTORY OF NEW DRIVERS.—

(1) MATTERS TO BE INCLUDED.—As part of the rulemaking that the Secretary is conducting under section 114 of the Hazardous Materials Transportation Authorization Act of 1994 (108 Stat. 1677–1678) to amend section 391.23 of title 49, Code of Federal Regulations (or successor regulations thereto), the Secretary shall amend such section 391.23 (in addition to the matters set forth in such section 114) to provide protection for driver privacy and to establish procedures for review, correction, and rebuttal of the safety performance records of a commercial motor vehicle driver.

(2) COMPLETION.—The rulemaking and the amendments referred to in paragraph (1) shall be completed by January 31, 1999.

SEC. 4015. PENALTIES.

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

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

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

''(B) NONAPPLICABILITY TO REPORTING AND RECORDKEEPING VIOLATIONS.—Subparagraph (A) shall not apply to reporting and recordkeeping violations.''.

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

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

''(A) IN GENERAL.—Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act that is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding $2,500.'';

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

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

''(B) RECORDKEEPING AND REPORTING VIOLATIONS.—A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person—

''(i) who does not make that report, does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered, or does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed $500 for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed $5,000; or

''(ii) who knowingly falsifies, destroys, mutilates, or changes a required report or record, knowingly files a false report with the Secretary, knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction, or knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each violation, if any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.''.

(c) CONFORMING AMENDMENTS.—Section 522 is amended by striking ''(a)'' and by striking subsection (b).

SEC. 4016. AUTHORITY OVER CHARTER BUS TRANSPORTATION.

Section 14501(a) is amended to read as follows:

''(a) MOTOR CARRIERS OF PASSENGERS.—

''(1) LIMITATION ON STATE LAW.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to

''(A) scheduling of interstate or intrastate transportation (including discontinuance or reduction in the level of service) provided by a motor carrier of passengers subject to jurisdiction under subchapter I of chapter 135 of this title on an interstate route;

''(B) the implementation of any change in the rates for such transportation or for any charter transportation except to the extent that notice, not in excess of 30 days, of changes in schedules may be required; or

''(C) the authority to provide intrastate or interstate charter bus transportation.

This paragraph shall not apply to intrastate commuter bus operations.

''(2) MATTERS NOT COVERED.—Paragraph (1) shall not restrict the safety regulatory authority of a State with respect to motor vehicles, the authority of a State to impose highway route controls or limitations based on the size or weight of the motor vehicle, or the authority of a State to regulate carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization.''.

SEC. 4017. 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 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.

(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and may consider nonfrivolous 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 while acting in good faith 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 more than $250,000 for each of fiscal years 1999 through 2003 to carry out this section.

SEC. 4018. INSULIN TREATED DIABETES MELLITUS.

(a) DETERMINATION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall determine whether a practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles.

(b) COMPILATION AND EVALUATION.—Prior to making the determination in subsection (a), the Secretary shall compile and evaluate research and other information on the effects of insulin treated diabetes mellitus on driving performance. In preparing the compilation and evaluation, the Secretary shall, at a minimum—

(1) consult with States that have developed and are implementing a screening process to identify individuals with insulin treated diabetes mellitus who may obtain waivers to drive commercial motor vehicles in intrastate commerce;

(2) evaluate the Department's policy and actions to permit certain insulin treated diabetes mellitus individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

(3) assess the possible legal consequences of permitting insulin treated diabetes mellitus individuals to drive commercial motor vehicles in interstate commerce;

(4) analyze available data on the safety performance of diabetic drivers of motor vehicles;

(5) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

(6) consult with interested groups knowledgeable about diabetes and related issues.

(c) REPORT TO CONGRESS.—If the Secretary determines that no protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress the basis for such determination.

(d) INITIATION OF RULEMAKING.—If the Secretary determines that a protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress a description of the elements of such protocol and shall promptly initiate a rulemaking proceeding to implement such protocol.

SEC. 4019. PERFORMANCE-BASED CDL TESTING.

(a) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a review of the procedures established and implemented by States under section 31305 of title 49, United States Code, to determine if the current system for testing is an accurate measure and reflection of an individual's knowledge and skills as an operator of a commercial motor vehicle and to identify methods to improve testing and licensing standards, including identifying the benefits and costs of a graduated licensing system.

(b) REGULATIONS.—The Secretary may issue regulations under section 31305 of title 49, United States Code, reflecting the results of the review.

SEC. 4020. POST-ACCIDENT ALCOHOL TESTING.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information. The study shall also assess the impact of the current post-accident alcohol testing requirements on motor carrier employers, including any burden that employers may encounter in meeting the testing requirements of such section 31306.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the study, together with such recommendations as the Secretary determines appropriate.

SEC. 4021. DRIVER FATIGUE.

(a) TECHNOLOGIES TO REDUCE FATIGUE OF COMMERCIAL MOTOR VEHICLE OPERATORS.—

(1) DEVELOPMENT OF TECHNOLOGIES.—As part of the activities of the Secretary relating to the fatigue of commercial motor vehicle operators, the Secretary shall encourage the research, development, and demonstration of technologies that may aid in reducing such fatigue.

(2) MATTERS TO BE TAKEN INTO ACCOUNT.—In carrying out paragraph (1), the Secretary shall take into account—

(A) the degree to which the technology will be cost efficient;

(B) the degree to which the technology can be effectively used in diverse climatic regions of the Nation; and

(C) the degree to which the application of the technology will further emissions reductions, energy conservation, and other transportation goals.

(3) FUNDING.—The Secretary may use amounts made available under section 5001(a)(2) of this Act.

(b) NONSEDATING MEDICATIONS.—The Secretary shall review available information on the effects of medications (including antihistamines) on driver fatigue, awareness, and performance and shall consider encouraging, if appropriate, the use of nonsedating medications (including nonsedating antihistamines) as a means of reducing the adverse effects of the use of other medications by drivers.

SEC. 4022. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers.

(2) PURPOSE.—The purpose of the program shall be to—

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

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

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

(3) COMPLETION DATE.—The pilot program shall end on the last day of the 18-month period beginning on the date of initiation of the pilot program.

(b) RULEMAKING.—After completion of the pilot program, the Secretary shall initiate, if appropriate, a rulemaking to revise the information system under section 31309 of title 49, United States Code, to take into account the results of the pilot program.

SEC. 4023. EMPLOYEE PROTECTIONS.

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

SEC. 4024. IMPROVED INTERSTATE SCHOOL BUS SAFETY.

Not later than 6 months after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to determine whether or not relevant commercial motor carrier safety regulations issued under section 31136 of title 49, United States Code, should apply to all interstate school transportation operations by local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965).

SEC. 4025. TRUCK TRAILER CONSPICUITY.

(a) ISSUANCE OF FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule regarding the conspicuity of trailers manufactured before December 1, 1993.

(b) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) The cost-effectiveness of any requirement to retrofit trailers manufactured before December 1, 1993.

(2) The extent to which motor carriers have voluntarily taken steps to increase equipment visibility.

(3) Regulatory flexibility to accommodate differing trailer designs and configurations, such as tank trucks.

SEC. 4026. DOT IMPLEMENTATION PLAN.

(a) ASSESSMENT.—Not later than 18 months after the date of enactment of this section, the Secretary shall assess the scope of the problem of shippers, freight forwarders, brokers, consignees, or other persons (other than rail carriers, motor carriers, motor carriers of migrant workers, or motor private carriers) encouraging violations of chapter 5 of title 49, United States Code, or a regulation or order issued by the Secretary under such chapter.

(b) SUBMISSION OF IMPLEMENTATION PLAN.—After completion of the assessment under subsection (a), the Secretary may submit to the Congress a plan for implementing authority (if subsequently provided by law) to investigate and bring civil actions to enforce chapter 5 of title 49, United States Code, or regulations or orders issued by the Secretary under such chapter with respect to persons described in subsection (a).

(c) CONTENTS OF IMPLEMENTATION PLAN.—In developing the implementation plan under subsection (b), the Secretary shall consider, as appropriate—

(1) in what circumstances the Secretary would exercise the new authority;

(2) how the Secretary would determine that shippers, freight forwarders, brokers, consignees, or other persons committed violations described in subsection (a), including what types of evidence would be conclusive;

(3) what procedures would be necessary during investigations to ensure the confidentiality of shipper contract terms prior to the Secretary's findings of violations;

(4) what impact the exercise of the new authority would have on the Secretary's resources, including whether additional investigative or legal resources would be necessary and whether the staff would need specialized education or training to exercise properly such authority;

(5) to what extent the Secretary would conduct educational activities for persons who would be subject to the new authority; and

(6) any other information that would assist the Congress in determining whether to provide the Secretary the new authority.

SEC. 4027. STUDY OF ADEQUACY OF PARKING FACILITIES.

(a) STUDY.—The Secretary shall conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours of service rules. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortages. The study may be carried out in cooperation with research entities representing motor carriers, the travel plaza industry, and commercial motor vehicle drivers.

(b) REPORT.—Not later than the 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

(c) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, for each of fiscal years 1999, 2000, and 2001, the Secretary may use not to exceed $500,000 per fiscal year to carry out this section.

SEC. 4028. QUALIFICATIONS OF FOREIGN MOTOR CARRIERS.

(a) REVIEW.—Not later than 90 days after the date of enactment of this Act, the Secretary shall review—

(1) the qualifications of any foreign motor carrier, the application for which has not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States, to operate as a motor carrier in the United States; and

(2) the carrier's likely ability to comply with applicable laws and regulations of the United States.

(b) USE OF REVIEW.—The review conducted under subsection (a) shall not constitute a finding by the Secretary under section 13902 of title 49, United States Code, that a motor carrier is willing and able to comply with requirements of such section. The results of the review may be used by the Secretary as the Secretary determines appropriate.

(c) REPORT.—Not later than 120 days after the date of enactment this Act, the Secretary shall submit a report on the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include—

(1) any findings made by the Secretary under subsection (a);

(2) information on which carriers have applied to the Department of Transportation under that section; and

(3) a description of the process utilized to respond to such applications and to review the safety fitness of those carriers.

SEC. 4029. FEDERAL MOTOR CARRIER SAFETY INSPECTORS.

The Department of Transportation shall maintain at least the number of Federal motor carrier safety inspectors for international border

commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure at least an equivalent level of commercial motor vehicle safety inspections. Such funds as are necessary to carry out this section shall be made available within the limitation on general operating expenses of the Department of Transportation.

SEC. 4030. 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;

(iii) mass transportation operators;

(iv) employee organizations; and

(v) bicycling organizations;

(B) academic and policy analysts; and

(C) other interested parties.

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

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section $200,000 for fiscal year 2000 and $200,000 for fiscal year 2001. Such sums shall remain available until expended.

SEC. 4031. DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) GENERAL RULE.—Notwithstanding the provisions of section 13902(c)(4)(A) of title 49, United States Code, the New Mexico Commercial Zone shall be a commercial zone for purposes of transportation of property only under section 13506(b) of such title.

(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with other Federal agencies that have responsibilities over traffic between the United States and Mexico.

(c) SUBMISSION OF PLAN.—Not later than 3 months after the date of enactment of this Act, the State of New Mexico shall submit to the Secretary a plan describing how the State will monitor commercial motor vehicle traffic and enforce safety regulations.

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

(e) NEW MEXICO COMMERCIAL ZONE DEFINED.—In this section, the term ''New Mexico Commercial Zone'' means the area that is comprised of Dona Ana County and Luna County in New Mexico.

(f) DESIGNATION.—The designation and operation of the New Mexico commercial zone shall become effective upon the date of enactment of this Act.

SEC. 4032. EFFECTS OF MCSAP GRANT REDUCTIONS.

(a) STUDY.—The Secretary shall conduct a study on the effects of reductions of grants under section 31102 of title 49, United States Code, due to nonconformity of State intrastate motor carrier, commercial motor vehicle, and driver requirements with Federal interstate requirements. In conducting the study, the Secretary shall consider, at a minimum—

(1) national uniformity and the purposes of the motor carrier safety assistance program;

(2) State motor carrier, commercial motor vehicle, and driver safety oversight and enforcement capabilities; and

(3) the safety impacts, costs, and benefits of full participation in the program.

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

(c) ADJUSTMENT OF STATE ALLOCATIONS.—The Secretary is authorized to adjust State allocations under section 31103 of title 49, United States Code, to reflect the results of the study.

TITLE V—TRANSPORTATION RESEARCH

Subtitle A—Funding

SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) SURFACE TRANSPORTATION RESEARCH.—For carrying out sections 502, 506, 507, and 508 of title 23, United States Code, and section 5112 of this Act $96,000,000 for fiscal year 1998, $97,000,000 for fiscal year 1999, $97,000,000 for fiscal year 2000, $98,000,000 for fiscal year 2001, $101,000,000 for fiscal year 2002, and $103,000,000 for fiscal year 2003.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—To carry out section 503 of title 23, United States Code, $35,000,000 for fiscal year 1998, $35,000,000 for fiscal year 1999, $40,000,000 for fiscal year 2000, $45,000,000 for fiscal year 2001, $45,000,000 for fiscal year 2002, and $50,000,000 for fiscal year 2003.

(3) TRAINING AND EDUCATION.—For carrying out section 504 of title 23, United States Code, $14,000,000 for fiscal year 1998, $15,000,000 for fiscal year 1999, $16,000,000 for fiscal year 2000, $18,000,000 for fiscal year 2001, $19,000,000 for fiscal year 2002, and $20,000,000 for fiscal year 2003.

(4) BUREAU OF TRANSPORTATION STATISTICS.—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, $31,000,000 for each of fiscal years 1998 through 2003.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—For carrying out sections 5204, 5205, 5206, and 5207 of this Act $95,000,000 for fiscal year 1998, $95,000,000 for fiscal year 1999, $98,200,000 for fiscal year 2000, $100,000,000 for fiscal year 2001, $105,000,000 for fiscal year 2002, $110,000,000 for fiscal year 2003.

(6) ITS DEPLOYMENT.—For carrying out sections 5208 and 5209 of this Act $101,000,000 for fiscal year 1998, $105,000,000 for fiscal year 1999, $113,000,000 for fiscal year 2000, $118,000,000 for fiscal year 2001, $120,000,000 for fiscal year 2002, and $122,000,000 for fiscal year 2003.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—For carrying out section 5505 of title 49, United States Code, $31,150,000 for fiscal year 1998, $31,150,000 for fiscal year 1999, $32,750,000 for fiscal year 2000, $32,750,000 for fiscal year 2001, $32,000,000 for fiscal year 2002, and $32,000,000 for fiscal year 2003.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using such funds shall be 80 percent (unless otherwise expressly provided by this subtitle or otherwise determined by the Secretary with respect to a project of activity) and such funds shall remain available until expended.

(c) ALLOCATIONS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Of the amounts made available under subsection (a)(1)—

(A) $10,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 502(e) of title 23, United States Code (relating to long-term pavement performance);

(B) not to exceed $2,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 502(f) of such title (relating to seismic research), of which not to exceed $2,500,000 may be used to upgrade earthquake simulation facilities as required to carry out the program;

(C) $500,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 506 of such title (relating to international outreach); and

(D) $5,000,000 for each of fiscal years 1998 through 2003 to carry out research on improved methods of using concrete pavement in the construction, reconstruction, and repair of Federal-aid highways.

(2) TECHNOLOGY DEPLOYMENT.—Of the amounts made available under subsection (a)(2)—

(A) $1,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 503(b)(3)(A)(i) of title 23, United States Code (relating to research development technology transfer activities); and

(B) $10,000,000 for fiscal year 1998, $15,000,000 for fiscal year 1999, $17,000,000 for fiscal year 2000, and $20,000,000 for each of fiscal years 2001 through 2003 shall be available to carry out section 503(b)(3)(A)(ii) of such title (relating to repair, rehabilitation, and construction).

(3) TRAINING AND EDUCATION.—Of the amounts made available under subsection (a)(3)—

(A) $5,000,000 for fiscal year 1998, $6,000,000 for fiscal year 1999, $6,000,000 for fiscal year 2000, $7,000,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, and $8,000,000 for fiscal year 2003 shall be available to carry out section 504(a) of title 23, United States Code (relating to the National Highway Institute);

(B) $7,000,000 for fiscal year 1998, $7,000,000 for fiscal year 1999, $8,000,000 for fiscal year 2000, $9,000,000 for fiscal year 2001, $10,000,000 for fiscal year 2002, and $10,000,000 for fiscal year 2003 shall be available to carry out section 504(b) of such title (relating to local technical assistance); and

(C) $2,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out section 504(c)(2) of such title (relating to the Eisenhower Transportation Fellowship Program).

(4) ITS DEPLOYMENT.—Of the amounts made available under subsection (a)(6)—

(A) $74,000,000 for fiscal year 1998, $75,000,000 for fiscal year 1999, $80,000,000 for fiscal year 2000, $83,000,000 for fiscal year 2001, $85,000,000 for fiscal year 2002, and $85,000,000 for fiscal year 2003 shall be available to carry out section 5208 of this Act (relating to Intelligent Transportation Systems integration); and

(B) $25,500,000 for fiscal year 1998, $27,200,000 for fiscal year 1999, $30,200,000 for fiscal year 2000, $32,200,000 for fiscal year 2001, $33,500,000 for fiscal year 2002, and $35,500,000 for fiscal year 2003 shall be available to carry out section 5209 of this Act (relating to commercial vehicle infrastructure).

(d) TRANSFERS OF FUNDS.—The Secretary may transfer not to exceed 10 percent of the amounts allocated in a fiscal year under a subparagraph in each of paragraphs (1) through (4) of subsection (c) to the amounts allocated under any other subparagraph in the paragraph.

SEC. 5002. OBLIGATION CEILING.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Highway Trust Fund (other than the Mass Transit Account) by section 5001(a) of this Act shall not exceed $403,150,000 for fiscal year 1998, $409,150,000 for fiscal year 1999, $427,950,000 for fiscal year 2000, $442,750,000 for fiscal year 2001, $453,000,000 for fiscal year 2002, and $468,000,000 for fiscal year 2003.

SEC. 5003. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this title or the amendments made by this title are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(b) NOTICE OF REORGANIZATION.—On or before the 15th day preceding the date of any major reorganization of a program, project, or activity of the Department of Transportation for which funds are authorized by this title or the amendments made by this title, the Secretary shall provide notice of such reorganization to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Subtitle B—Research and Technology

SEC. 5101. RESEARCH AND TECHNOLOGY PROGRAM.

Title 23, United States Code, is amended—

(1) in the table of chapters by adding at the end the following:

"5. Research and Technology ..... 501"; and

(2) by adding at the end the following:

"CHAPTER 5—RESEARCH AND TECHNOLOGY

''Sec.
''501. Definitions.
''502. Surface transportation research.
''503. Technology deployment program.
''504. Training and education.
''505. State planning and research.
''506. International highway transportation outreach program.
''507. Surface transportation-environment cooperative research program.
''508. Surface transportation research strategic planning.

"§ 501. Definitions

''In this chapter, the following definitions apply:

''(1) FEDERAL LABORATORY.—The term 'Federal laboratory' includes a Government-owned, Government-operated laboratory and a Government-owned, contractor-operated laboratory.

''(2) SAFETY.—The term 'safety' includes highway and traffic safety systems, research, and development relating to vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.''.

SEC. 5102. SURFACE TRANSPORTATION RESEARCH.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 502. Surface transportation research

''(a) GENERAL AUTHORITY.—

''(1) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out research, development, and technology transfer activities with respect to—

''(A) motor carrier transportation;

''(B) all phases of transportation planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions); and

''(C) the effect of State laws on the activities described in subparagraphs (A) and (B).

''(2) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process.

''(3) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

''(A) independently;

''(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

''(C) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

''(4) TECHNOLOGICAL INNOVATION.—The programs and activities carried out under this section shall be consistent with the surface transportation research and technology development strategic plan developed under section 508.

''(5) FUNDS.—

''(A) SPECIAL ACCOUNT.—In addition to other funds made available to carry out this section, the Secretary shall use such funds as may be deposited by any cooperating organization or person in a special account of the Treasury established for this purpose.

''(B) USE OF FUNDS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, development, and technology transfer programs under this section.

''(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

''(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State; and

''(B) Federal laboratories.

''(2) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

''(3) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed 50 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

''(B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

''(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

''(5) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this chapter.

''(c) CONTENTS OF RESEARCH PROGRAM.—The Secretary shall include in surface transportation research, technology development, and technology transfer programs carried out under this title coordinated activities in the following areas:

''(1) Development, use, and dissemination of indicators, including appropriate computer programs for collecting and analyzing data on the status of infrastructure facilities, to measure the performance of the surface transportation systems of the United States, including productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors that reflect system performance.

''(2) Methods, materials, and testing to improve the durability of surface transportation infrastructure facilities and extend the life of bridge structures, including—

''(A) new and innovative technologies to reduce corrosion;

''(B) tests simulating seismic activity, vibration, and weather; and

''(C) the use of innovative recycled materials.

''(3) Technologies and practices that reduce costs and minimize disruptions associated with the construction, rehabilitation, and maintenance of surface transportation systems, including responses to natural disasters.

''(4) Development of nondestructive evaluation equipment for use with existing infrastructure facilities and with next-generation infrastructure facilities that use advanced materials.

''(5) Dynamic simulation models of surface transportation systems for—

''(A) predicting capacity, safety, and infrastructure durability problems;

''(B) evaluating planned research projects; and

''(C) testing the strengths and weaknesses of proposed revisions to surface transportation operations programs.

''(6) Economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and the feasibility of uniformity in State regulations with respect to such standards.

''(7) Telecommuting and the linkages between transportation, information technology, and community development and the impact of technological change and economic restructuring on travel demand.

''(8) Expansion of knowledge of implementing life cycle cost analysis, including—

''(A) establishing the appropriate analysis period and discount rates;

''(B) learning how to value and properly consider use costs;

''(C) determining tradeoffs between reconstruction and rehabilitation; and

''(D) establishing methodologies for balancing higher initial costs of new technologies and improved or advanced materials against lower maintenance costs.

''(9) Standardized estimates, to be developed in conjunction with the National Institute of Standards and Technology and other appropriate organizations, of useful life under various conditions for advanced materials of use in surface transportation.

''(10) Evaluation of traffic calming measures that promote community preservation, transportation mode choice, and safety.

''(11) Development and implementation of safety-enhancing equipment, including unobtrusive eyetracking technology.

''(d) ADVANCED RESEARCH.—

''(1) IN GENERAL.—The Secretary shall establish an advanced research program, consistent with the surface transportation research and technology development strategic plan developed under section 508, that addresses longer-term, higher-risk research that shows potential benefits for improving the durability, efficiency, environmental impact, productivity, and safety (including bicycle and pedestrian safety) of highway and intermodal transportation systems. In carrying out the program, the Secretary shall

strive to develop partnerships with the public and private sectors.

''(2) RESEARCH AREAS.—In carrying out the program, the Secretary may make grants and enter into cooperative agreements and contracts in such areas as the Secretary determines appropriate, including the following:

''(A) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

''(B) Diagnostics for evaluation of the condition of bridge and pavement structures to enable the assessment of risks of failure, including from seismic activity, vibration, and weather.

''(C) Design and construction details for composite structures.

''(D) Safety technology-based problems in the areas of pedestrian and bicycle safety, roadside hazards, and composite materials for roadside safety hardware.

''(E) Environmental research, including particulate matter source apportionment and model development.

''(F) Data acquisition techniques for system condition and performance monitoring.

''(G) Human factors, including prediction of the response of travelers to new technologies.

''(e) LONG-TERM PAVEMENT PERFORMANCE PROGRAM.—

''(1) AUTHORITY.—The Secretary shall complete the long-term pavement performance program tests initiated under the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section) and continued by the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914 et seq.) through the midpoint of a planned 20-year life of the long-term pavement performance program.

''(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

''(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

''(B) analyze the data obtained in carrying out subparagraph (A); and

''(C) prepare products to fulfill program objectives and meet future pavement technology needs.

''(f) SEISMIC RESEARCH PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a program to study the vulnerability of the Federal-aid highway system and other surface transportation systems to seismic activity and to develop and implement cost-effective methods to reduce such vulnerability.

''(2) COOPERATION WITH NATIONAL CENTER FOR EARTHQUAKE ENGINEERING RESEARCH.—The Secretary shall conduct the program in cooperation with the National Center for Earthquake Engineering Research at the University of Buffalo.

''(3) COOPERATION WITH AGENCIES PARTICIPATING IN NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.—The Secretary shall conduct the program in consultation and cooperation with Federal departments and agencies participating in the National Earthquake Hazards Reduction Program established by section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) and shall take such actions as may be necessary to ensure that the program is consistent with—

''(A) planning and coordination activities of the Director of the Federal Emergency Management Agency under section 5(b)(1) of such Act (42 U.S.C. 7704(b)(1)); and

''(B) the plan developed by the Director of the Federal Emergency Management Agency under section 8(b) of such Act (42 U.S.C. 7705b(b)).

''(g) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

''(1) IN GENERAL.—Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on—

''(A) estimates of the future highway and bridge needs of the United States; and

''(B) the backlog of current highway and bridge needs.

''(2) COMPARISON WITH PRIOR REPORTS.—Each report under paragraph (1) shall provide the means, including all necessary information, to relate and compare the conditions and service measures used in the 3 biannual reports published prior to the date of enactment of the Transportation Equity Act for the 21st Century.''.

SEC. 5103. TECHNOLOGY DEPLOYMENT.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

''§ 503. Technology deployment

''(a) TECHNOLOGY DEPLOYMENT INITIATIVES AND PARTNERSHIPS PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall develop and administer a national technology deployment initiatives and partnerships program.

''(2) PURPOSE.—The purpose of the program shall be to significantly accelerate the adoption of innovative technologies by the surface transportation community.

''(3) DEPLOYMENT GOALS.—

''(A) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish not more than 5 deployment goals to carry out paragraph (1).

''(B) DESIGN.—Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits, with respect to transportation systems, in the areas of efficiency, safety, reliability, service life, environmental protection, and sustainability.

''(C) STRATEGIES FOR ACHIEVEMENT.—For each goal, the Secretary, in cooperation with representatives of the transportation community such as States, local governments, the private sector, and academia, shall use domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology and mechanisms for sharing information among program participants.

''(4) INTEGRATION WITH OTHER PROGRAMS.—The Secretary shall integrate activities carried out under this subsection with the efforts of the Secretary to disseminate the results of research sponsored by the Secretary and to facilitate technology transfer.

''(5) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this subsection, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

''(6) CONTINUATION OF SHRP PARTNERSHIPS.—Under the program, the Secretary shall continue the partnerships established through the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section).

''(7) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to stimulate advances in transportation technology, including—

''(A) the testing and evaluation of products of the strategic highway research program;

''(B) the further development and implementation of technology in areas such as the Superpave system and the use of lithium salts and other alternatives to prevent and mitigate alkali silica reactivity;

''(C) the provision of support for long-term pavement performance product implementation and technology access; and

''(D) other activities to achieve the goals established under paragraph (3).

''(8) REPORTS.—Not later than 18 months after the date of enactment of this section, and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress and results of activities carried out under this section.

''(9) ALLOCATION.—To the extent appropriate to achieve the goals established under paragraph (3), the Secretary may further allocate funds made available to carry out this section to States for their use.

''(b) INNOVATIVE BRIDGE RESEARCH AND CONSTRUCTION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and carry out a program to demonstrate the application of innovative material technology in the construction of bridges and other structures.

''(2) GOALS.—The goals of the program shall include—

''(A) the development of new, cost-effective innovative material highway bridge applications;

''(B) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

''(C) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

''(D) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures;

''(E) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic;

''(F) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges; and

''(G) the development of new nondestructive bridge evaluation technologies and techniques.

''(3) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

''(A) IN GENERAL.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with—

''(i) States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials; and

''(ii) States to pay the Federal share of the cost of repair, rehabilitation, replacement, and new construction of bridges or structures that demonstrate the application of innovative materials.

''(B) APPLICATIONS.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit an application to the Secretary. The application shall be in such form and contain such information as the Secretary may require. The Secretary shall select and approve the applications based on whether the project that is the subject of the grant meets the goals of the program described in paragraph (2).

''(4) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under paragraph (3) is made available to State and local transportation departments and other interested parties as specified by the Secretary.

''(5) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined by the Secretary.''.

SEC. 5104. TRAINING AND EDUCATION.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

''§ 504. Training and education

''(a) NATIONAL HIGHWAY INSTITUTE.—

''(1) IN GENERAL.—The Secretary shall operate in the Federal Highway Administration a National Highway Institute (in this subsection referred to as the 'Institute'). The Secretary shall administer, through the Institute, the authority

vested in the Secretary by this title or by any other law for the development and conduct of education and training programs relating to highways.

''(2) DUTIES OF THE INSTITUTE.—In cooperation with State transportation departments, United States industry, and any national or international entity, the Institute shall develop and administer education and training programs of instruction for—

''(A) Federal Highway Administration, State, and local transportation agency employees;

''(B) regional, State, and metropolitan planning organizations;

''(C) State and local police, public safety, and motor vehicle employees; and

''(D) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

''(3) COURSES.—The Institute may develop and administer courses in modern developments, techniques, methods, regulations, management, and procedures relating to surface transportation, environmental mitigation and compliance, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance and operations, contract administration, motor carrier safety activities, inspection, and highway finance.

''(4) SET-ASIDE; FEDERAL SHARE.—Not to exceed ½ of 1 percent of the funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State transportation department for the payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (excluding salaries) in connection with the education and training of employees of State and local transportation agencies in accordance with this subsection.

''(5) FEDERAL RESPONSIBILITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transportation (including highway) agencies authorized under this subsection may be provided—

''(i) by the Secretary at no cost to the States and local governments if the Secretary determines that provision at no cost is in the public interest; or

''(ii) by the State through grants, cooperative agreements, and contracts with public and private agencies, institutions, individuals, and the Institute.

''(B) PAYMENT OF FULL COST BY PRIVATE PERSONS.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training received by them unless the Secretary determines that a lower cost is of critical importance to the public interest.

''(6) TRAINING FELLOWSHIPS; COOPERATION.—The Institute may—

''(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and

''(B) carry out its authority independently or in cooperation with any other branch of the Federal Government or any State agency, authority, association, institution, for-profit or nonprofit corporation, other national or international entity, or other person.

''(7) COLLECTION OF FEES.—

''(A) GENERAL RULE.—In accordance with this subsection, the Institute may assess and collect fees solely to defray the costs of the Institute in developing or administering education and training programs under this subsection.

''(B) LIMITATION.—Fees may be assessed and collected under this subsection only in a manner that may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount that does not exceed the aggregate amount of the costs referred to in subparagraph (A) for the fiscal year.

''(C) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

''(i) persons and entities for whom education or training programs are developed or administered under this subsection; and

''(ii) persons and entities to whom education or training is provided under this subsection.

''(D) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity.

''(E) USE.—All fees collected under this subsection shall be used to defray costs associated with the development or administration of education and training programs authorized under this subsection.

''(8) RELATION TO FEES.—The funds made available to carry out this subsection may be combined with or held separate from the fees collected under paragraph (7).

''(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

''(1) AUTHORITY.—The Secretary shall carry out a local technical assistance program that will provide access to surface transportation technology to—

''(A) highway and transportation agencies in urbanized areas with populations of between 50,000 and 1,000,000 individuals;

''(B) highway and transportation agencies in rural areas; and

''(C) contractors that do work for the agencies.

''(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education and training, technical assistance, and related support services to—

''(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—

''(i) develop and expand their expertise in road and transportation areas (including pavement, bridge, concrete structures, safety management systems, and traffic safety countermeasures);

''(ii) improve roads and bridges;

''(iii) enhance—

''(I) programs for the movement of passengers and freight; and

''(II) intergovernmental transportation planning and project selection; and

''(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

''(B) develop technical assistance for tourism and recreational travel;

''(C) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems;

''(D) operate, in cooperation with State transportation departments and universities—

''(i) local technical assistance program centers designated to provide transportation technology transfer services to rural areas and to urbanized areas with populations of between 50,000 and 1,000,000 individuals; and

''(ii) local technical assistance program centers designated to provide transportation technical assistance to Indian tribal governments; and

''(E) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

''(c) RESEARCH FELLOWSHIPS.—

''(1) GENERAL AUTHORITY.—The Secretary, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, may make grants for research fellowships for any purpose for which research is authorized by this chapter.

''(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation. The program shall be known as the 'Dwight David Eisenhower Transportation Fellowship Program'.''.

SEC. 5105. STATE PLANNING AND RESEARCH.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

''§ 505. State planning and research

''(a) GENERAL RULE.—Two percent of the sums apportioned to a State for fiscal year 1998 and each fiscal year thereafter under section 104 (other than sections 104(f) and 104(h)) and under section 144 shall be available for expenditure by the State, in consultation with the Secretary, only for the following purposes:

''(1) Engineering and economic surveys and investigations.

''(2) The planning of future highway programs and local public transportation systems and the planning of the financing of such programs and systems, including metropolitan and statewide planning under sections 134 and 135.

''(3) Development and implementation of management systems under section 303.

''(4) Studies of the economy, safety, and convenience of surface transportation systems and the desirable regulation and equitable taxation of such systems.

''(5) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems.

''(6) Study, research, and training on the engineering standards and construction materials for transportation systems described in paragraph (5), including the evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

''(b) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—

''(1) IN GENERAL.—Subject to paragraph (2), not less than 25 percent of the funds subject to subsection (a) that are apportioned to a State for a fiscal year shall be expended by the State for research, development, and technology transfer activities described in subsection (a), relating to highway, public transportation, and intermodal transportation systems.

''(2) WAIVERS.—The Secretary may waive the application of paragraph (1) with respect to a State for a fiscal year if the State certifies to the Secretary for the fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the funds described in paragraph (1) and the Secretary accepts such certification.

''(3) NONAPPLICABILITY OF ASSESSMENT.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).

''(c) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds subject to subsection (a) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

''(d) ADMINISTRATION OF SUMS.—Funds subject to subsection (a) shall be combined and administered by the Secretary as a single fund and shall be available for obligation for the same period as funds apportioned under section 104(b)(1).''.

SEC. 5106. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 506. International highway transportation outreach program

''(a) ESTABLISHMENT.—The Secretary may establish an international highway transportation outreach program—

''(1) to inform the United States highway community of technological innovations in foreign countries that could significantly improve highway transportation in the United States;

''(2) to promote United States highway transportation expertise, goods, and services in foreign countries; and

''(3) to increase transfers of United States highway transportation technology to foreign countries.

''(b) ACTIVITIES.—Activities carried out under the program may include—

''(1) development, monitoring, assessment, and dissemination in the United States of information about highway transportation innovations in foreign countries that could significantly improve highway transportation in the United States;

''(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

''(3) informing foreign countries about the technical quality of United States highway transportation goods and services through participation in trade shows, seminars, expositions, and other such activities;

''(4) offering technical services of the Federal Highway Administration that cannot be readily obtained from United States private sector firms to be incorporated into the proposals of United States private sector firms undertaking highway transportation projects outside the United States if the costs of such services will be recovered under the terms of the project;

''(5) conducting studies to assess the need for or feasibility of highway transportation improvements in countries that are not members of the Organization for Economic Cooperation and Development, as of December 18, 1991, and in Greece and Turkey; and

''(6) gathering and disseminating information on foreign transportation markets and industries.

''(c) COOPERATION.—The Secretary may carry out this section in cooperation with any appropriate Federal agency, State or local agency, authority, association, institution, corporation (profit or nonprofit), foreign government, multinational institution, or other organization or person.

''(d) FUNDS.—

''(1) CONTRIBUTIONS.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person into a special account of the Treasury established for this purpose.

''(2) ELIGIBLE USES OF FUNDS.—The funds deposited into the account and other funds available to carry out this section shall be available to cover the cost of any activity eligible under this section, including the cost of promotional materials, travel, reception and representation expenses, and salaries and benefits.

''(3) REIMBURSEMENTS FOR SALARIES AND BENEFITS.—Reimbursements for salaries and benefits of Department of Transportation employees providing services under this section shall be credited to the account.

''(e) ELIGIBLE USE OF STATE PLANNING AND RESEARCH FUNDS.—A State, in coordination with the Secretary, may obligate funds made available to carry out section 505 for any activity authorized under subsection (a).''.

SEC. 5107. SURFACE TRANSPORTATION-ENVIRONMENT COOPERATIVE RESEARCH PROGRAM.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 507. Surface transportation-environment cooperative research program

''(a) IN GENERAL.—The Secretary shall establish and carry out a surface transportation-environment cooperative research program.

''(b) CONTENTS.—The program to be carried out under this section shall include research designed—

''(1) to develop more accurate models for evaluating transportation control measures and transportation system designs that are appropriate for use by State and local governments, including metropolitan planning organizations, in designing implementation plans to meet Federal, State, and local environmental requirements;

''(2) to improve understanding of the factors that contribute to the demand for transportation, including transportation system design, demographic change, land use planning, and communications and other information technologies;

''(3) to develop indicators of economic, social, and environmental performance of transportation systems to facilitate analysis of potential alternatives;

''(4) to study the relationship between highway density and ecosystem integrity, including the impacts of highway density on habitat integrity and overall ecosystem health, and develop a rapid assessment methodology for use by transportation and regulatory agencies in determining the relationship between highway density and ecosystem integrity; and

''(5) to meet additional priorities as determined by the advisory board established under subsection (c), including recommendations of the National Research Council in the report entitled 'Environmental Research Needs in Transportation'.

''(c) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—In consultation with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend environmental and energy conservation research, technology, and technology transfer activities related to surface transportation.

''(2) MEMBERSHIP.—The advisory board shall include—

''(A) representatives of State transportation and environmental agencies;

''(B) transportation and environmental scientists and engineers; and

''(C) representatives of metropolitan planning organizations, transit operating agencies, and environmental organizations.

''(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary determines appropriate.''.

SEC. 5108. SURFACE TRANSPORTATION RESEARCH STRATEGIC PLANNING.

Chapter 5 of title 23, United States Code (as added by section 5101 of this title), is amended by adding at the end the following:

"§ 508. Surface transportation research strategic planning

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

''(1) establish a strategic planning process, consistent with section 306 of title 5 for the Department of Transportation to determine national transportation research and technology development priorities related to surface transportation;

''(2) coordinate Federal surface transportation research and technology development activities;

''(3) measure the results of those activities and how they impact the performance of the surface transportation systems of the United States; and

''(4) ensure that planning and reporting activities carried out under this section are coordinated with all other surface transportation planning and reporting requirements.

''(b) IMPLEMENTATION.—The Secretary shall—

''(1) provide for the integrated planning, coordination, and consultation among the operating administrations of the Department of Transportation, all other Federal agencies with responsibility for surface transportation research and technology development, State and local governments, institutions of higher education, industry, and other private and public sector organizations engaged in surface transportation-related research and development activities;

''(2) ensure that the surface transportation research and technology development programs of the Department do not duplicate other Federal, State, or private sector research and development programs; and

''(3) provide for independent validation of the scientific and technical assumptions underlying the surface transportation research and technology development programs of the Department.

''(c) SURFACE TRANSPORTATION RESEARCH AND TECHNOLOGY DEVELOPMENT STRATEGIC PLAN.—

''(1) DEVELOPMENT.—The Secretary shall develop an integrated surface transportation research and technology development strategic plan.

''(2) CONTENTS.—The plan shall include—

''(A) an identification of the general goals and objectives of the Department of Transportation for surface transportation research and development;

''(B) a description of the roles of the Department and other Federal agencies in achieving the goals identified under subparagraph (A), in order to avoid unnecessary duplication of effort;

''(C) a description of the overall strategy of the Department, and the role of each of the operating administrations of the Department, in carrying out the plan over the next 5 years, including a description of procedures for coordination of the efforts of the Secretary with the efforts of the operating administrations of the Department and other Federal agencies;

''(D) an assessment of how State and local research and technology development activities are contributing to the achievement of the goals identified under subparagraph (A);

''(E) details of the surface transportation research and technology development programs of the Department, including performance goals, resources needed to achieve those goals, and performance indicators as described in section 1115(a) of title 31, United States Code, for the next 5 years for each area of research and technology development;

''(F) significant comments on the plan obtained from outside sources; and

''(G) responses to significant comments obtained from the National Research Council and other advisory bodies, and a description of any corrective actions taken pursuant to such comments.

''(3) NATIONAL RESEARCH COUNCIL REVIEW.—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

''(A) strategic plan or revision required under section 306 of title 5;

''(B) performance plan required under section 1115 of title 31; and

''(C) program performance report required under section 1116,

with respect to surface transportation research and technology development.

''(4) PERFORMANCE PLANS AND REPORTS.—In reports submitted under sections 1115 and 1116 of title 31, the Secretary shall include—

''(A) a summary of the results for the previous fiscal year of surface transportation research and technology development programs to which the Department of Transportation contributes, along with—

''(i) an analysis of the relationship between those results and the goals identified under paragraph (2)(A); and

''(ii) a description of the methodology used for assessing the results; and

''(B) a description of significant surface transportation research and technology development

initiatives, if any, undertaken during the previous fiscal year that were not in the plan developed under paragraph (1), and any significant changes in the plan from the previous year's plan.

''(d) MERIT REVIEW AND PERFORMANCE MEASUREMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall transmit to Congress a report describing competitive merit review procedures for use in selecting grantees and contractors in the programs covered by the plan developed under subsection (c) and performance measurement procedures for evaluating the programs.

''(e) PROCUREMENT PROCEDURES.—The Secretary shall—

''(1) develop model procurement procedures that encourage the use of advanced technologies; and

''(2) develop model transactions for carrying out and coordinating Federal and State surface transportation research and technology development activities.

''(f) CONSISTENCY WITH GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993.—The plans and reports developed under this section shall be consistent with and incorporated as part of the plans developed under section 306 of title 5 and sections 1115 and 1116 of title 31.''.

SEC. 5109. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Section 111 of title 49, United States Code, is amended—

(1) in subsection (b)(4) by striking the second sentence;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (J) by striking ''and'' at the end;

(ii) in subparagraph (K) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(L) transportation-related variables that influence global competitiveness.'';

(B) in paragraph (2)—

(i) in the first sentence by striking ''national transportation system'' and inserting ''transportation systems of the United States'';

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

''(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the transportation systems of the United States under the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.) and the amendments made by such Act;''; and

(iii) in subparagraph (C) by inserting '', made relevant to the States and metropolitan planning organizations,'' after ''accuracy'';

(C) in paragraph (3) by adding at the end the following: ''The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993, and the amendments made by such Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary.''; and

(D) by adding at the end the following:

''(7) SUPPORTING TRANSPORTATION DECISIONMAKING.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisionmaking by the Federal Government, State and local governments, transportation-related associations, private businesses, and consumers.'';

(3) by redesignating subsections (d), (e), and (f) as subsections (h), (i), and (j), respectively;

(4) by striking subsection (g);

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

''(d) INTERMODAL TRANSPORTATION DATA BASE.—

''(1) IN GENERAL.—In consultation with the Associate Deputy Secretary, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

''(2) USE.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

''(3) CONTENTS.—The data base shall include—

''(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

''(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

''(C) information on the location and connectivity of transportation facilities and services; and

''(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

''(e) NATIONAL TRANSPORTATION LIBRARY.—

''(1) IN GENERAL.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

''(2) ACCESS.—The Director shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Director to make statistics readily accessible under subsection (c)(5).

''(3) COORDINATION.—The Director shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

''(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—

''(1) IN GENERAL.—The Director shall develop and maintain geospatial data bases that depict—

''(A) transportation networks;

''(B) flows of people, goods, vehicles, and craft over the networks; and

''(C) social, economic, and environmental conditions that affect or are affected by the networks.

''(2) INTERMODAL NETWORK ANALYSIS.—The data bases shall be able to support intermodal network analysis.

''(g) RESEARCH AND DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

''(A) investigation of the subjects specified in subsection (c)(1) and research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

''(B) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e); and

''(C) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (f) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.

''(2) LIMITATION.—Not more than $500,000 of the amounts made available to carry out this section in a fiscal year may be used to carry out this subsection.'';

(6) by striking subsection (i) (as redesignated by paragraph (3) of this subsection) and inserting the following:

''(i) PROHIBITION ON CERTAIN DISCLOSURES.—

''(1) IN GENERAL.—An officer or employee of the Bureau may not—

''(A) make any disclosure in which the data provided by an individual or organization under subsection (c)(2) can be identified;

''(B) use the information provided under subsection (c)(2) for a nonstatistical purpose; or

''(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c)(2).

''(2) PROHIBITION ON REQUESTS FOR CERTAIN DATA.—

''(A) GOVERNMENT AGENCIES.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c)(2) with the Bureau or retained by an individual respondent.

''(B) COURTS.—Any copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

''(i) shall be immune from legal process; and

''(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

''(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably inferred by direct or indirect means.

''(3) DATA COLLECTED FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.'';

(7) in subsection (j) (as redesignated by paragraph (3) of this subsection) by striking ''On or before January 1, 1994, and annually thereafter, the'' and inserting ''The''; and

(8) by adding at the end the following:

''(k) PROCEEDS OF DATA PRODUCT SALES.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.''.

(b) CONFORMING AMENDMENTS.—Section 5503 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 5110. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

''§ 5505. University transportation research

''(a) REGIONAL CENTERS.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate 1 university transportation center in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

''(b) OTHER CENTERS.—The Secretary shall make grants to nonprofit institutions of higher learning to establish and operate university transportation centers, in addition to the centers receiving grants under subsection (a), to address transportation management and research and development matters, with special attention to increasing the number of highly skilled individuals entering the field of transportation.

''(c) SELECTION OF GRANT RECIPIENTS.—

''(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

''(2) SELECTION CRITERIA.—Except as otherwise provided by this section, the Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

''(A) For regional centers, the location of the center within the Federal region to be served.

''(B) The demonstrated research and extension resources available to the recipient to carry out this section.

''(C) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

''(D) The recipient's establishment of a surface transportation program encompassing several modes of transportation.

''(E) The recipient's demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research and education programs.

''(F) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

''(G) The strategic plan the recipient proposes to carry out under the grant.

''(d) OBJECTIVES.—Each university transportation center receiving a grant under this section shall conduct the following programs and activities:

''(1) Basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation.

''(2) An education program that includes multidisciplinary course work and participation in research.

''(3) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

''(e) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a recipient shall enter into an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

''(f) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section is 50 percent of costs. The non-Federal share may include funds provided to a recipient under section 503, 504(b), or 505 of title 23, United States Code.

''(g) PROGRAM COORDINATION.—

''(1) COORDINATION.—The Secretary shall coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse.

''(2) ANNUAL REVIEW AND EVALUATION.—At least annually and consistent with the plan developed under section 5506, the Secretary shall review and evaluate programs the grant recipients carry out.

''(3) FUNDING LIMITATION.—The Secretary may use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

''(h) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this program shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

''(i) NUMBER AND AMOUNT OF GRANTS.—

''(1) FISCAL YEARS 1998 AND 1999.—For each of fiscal years 1998 and 1999, the Secretary shall make the following grants under this section:

''(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions in group A.

''(B) GROUP B.—The Secretary shall make a grant in the amount of $300,000 to each of the institutions in group B.

''(C) GROUP C.—The Secretary shall make a grant in the amount of $750,000 to each of the institutions in group C.

''(D) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions in group D.

''(2) FISCAL YEARS 2000 AND 2001.—For each of fiscal years 2000 and 2001, the Secretary shall make the following grants under this section:

''(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions in group A.

''(B) GROUP B.—The Secretary shall make a grant in the amount of $500,000 to 8 of the institutions in group B.

''(C) GROUP C.—The Secretary shall make a grant in the amount of $750,000 to each of the institutions in group C.

''(D) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions in group D.

''(3) FISCAL YEARS 2002 AND 2003.—For each of fiscal years 2002 and 2003, the Secretary shall make the following grants under this section:

''(A) GROUP A.—The Secretary shall make a grant in the amount of $1,000,000 to each of the institutions in group A.

''(B) GROUPS B AND C.—The Secretary shall make a grant in the amount of $1,000,000 to 10 of the institutions in groups B and C that received grants under this section in fiscal years 2000 and 2001.

''(C) GROUP D.—The Secretary shall make a grant in the amount of $2,000,000 to each of the institutions in group D.

''(j) IDENTIFICATION OF GROUPS.—For the purpose of making grants this section, the following groups are identified:

''(1) GROUP A.—Group A shall consist of the 10 regional centers selected under subsection (a).

''(2) GROUP B.—Group B shall consist of the following:

''(A) The University of Denver and Mississippi State University.

''(B) The University of Central Florida.

''(C) University of Southern California and California State University at Long Beach.

''(D) Rutgers University.

''(E) University of Missouri at Rolla.

''(F) South Carolina State University.

''(G) Joseph P. Kennedy Science and Technology Center, Assumption College, Massachusetts.

''(H) Purdue University.

''(3) GROUP C.—Group C shall consist of the following:

''(A) University of Arkansas.

''(B) New Jersey Institute of Technology.

''(C) University of Idaho.

''(D) The University of Alabama.

''(E) Morgan State University.

''(F) North Carolina State University.

''(G) San Jose State University.

''(H) University of South Florida.

''(I) North Carolina A. and T. State University.

''(4) GROUP D.—Group D shall consist of the following:

''(A) University of Minnesota.

''(B) Marshall University, West Virginia, on behalf of a consortium of West Virginia colleges and universities.

''(C) George Mason University, along with the University of Virginia and Virginia Tech University.

''(D) Western Transportation Institute.

''(E) Rhode Island Transportation Research Center.

''(F) Northwestern University.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5504 the following:

''5505. University transportation research.''.

(c) REPEALS.—Section 5316 and 5317 of title 49, United States Code, and the items relating to such sections in the analysis for chapter 53 of such title, are repealed.

SEC. 5111. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of subtitle I of title 49, United States Code (as amended by section 5110 of this Act), is amended by adding at the end the following:

''§ 5506. Advanced vehicle technologies program

''(a) PURPOSES.—The Secretary of Transportation, in coordination with other government agencies and private consortia, shall encourage and promote the research, development, and deployment of transportation technologies that will use technological advances in multimodal vehicles, vehicle components, environmental technologies, and related infrastructure to remove impediments to an efficient, safe, and cost-effective national transportation system.

''(b) DEFINITION OF ELIGIBLE CONSORTIUM.—In this section, the term 'eligible consortium' means a consortium that receives funding under the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1876), and that comprises 2 or more of the following entities:

''(1) Businesses incorporated in the United States.

''(2) Public or private educational or research organizations located in the United States.

''(3) Entities of State or local governments in the United States.

''(4) Federal laboratories.

''(c) PROGRAM.—The Secretary shall enter into contracts, cooperative agreements, and other transactions as authorized by section 2371 of title 10 with, and make grants to, eligible consortia to promote the development and deployment of innovation in transportation technology services, management, and operational practices.

''(d) ELIGIBILITY CRITERIA.—To be eligible to receive assistance under this section, an eligible consortium shall—

''(1) for a period of not less than the 3 years preceding the date of a contract, cooperative agreement, or other transaction, be organized on a statewide or multistate basis for the purpose of designing, developing, and deploying transportation technologies that address identified technological impediments in the transportation field;

''(2) facilitate the participation in the consortium of small- and medium-sized businesses, utilities, public laboratories and universities, and other relevant entities;

''(3) be actively engaged in transportation technology projects that address compliance in nonattainment areas under the Clean Air Act (42 U.S.C. 7401 et seq.);

''(4) be designed to use Federal and State funding to attract private capital in the form of grants or investments to carry out this section; and

''(5) ensure that at least 50 percent of the funding for the consortium project will be provided by non-Federal sources.

''(e) PROPOSALS.—The Secretary shall prescribe such terms and conditions as the Secretary determines to be appropriate for the content and structure of proposals submitted for assistance under this section.

''(f) REPORTING REQUIREMENTS.—At least once each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects undertaken by the eligible consortia and the progress made in advancing the purposes of this section.

''(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 1999 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.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5505 the following:

''5506. Advanced vehicle technologies program.''.

SEC. 5112. STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

(a) STUDY.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make a grant to, or enter into a cooperative agreement or contract with, the Transportation Research Board of the National Academy of Sciences (in this section referred to as the ''Board'') to conduct a study to determine the goals, purposes, research agenda and projects, administrative structure, and fiscal needs for a new strategic highway research program to replace the program established under section 307(d) (as in effect on the day before the date of enactment of this Act), or a similar effort.

(b) CONSULTATION.—In conducting the study, the Board shall consult with the American Association of State Highway and Transportation Officials and such other entities as the Board determines appropriate to the conduct of the study.

(c) REPORT.—Not later than 5 years after making a grant or entering into a cooperative agreement or contract under subsection (a), the Board shall submit a final report on the results of the study to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 5113. COMMERCIAL REMOTE SENSING PRODUCTS AND SPATIAL INFORMATION TECHNOLOGIES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program to validate commercial remote sensing products and spatial information technologies for application to national transportation infrastructure development and construction.

(b) PROGRAM STAGES.—

(1) FIRST STAGE.—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish a national policy for the use of commercial remote sensing products and spatial information technologies in national transportation infrastructure development and construction.

(2) SECOND STAGE.—After establishment of the national policy under paragraph (1), the Secretary shall develop new applications of commercial remote sensing products and spatial information technologies for the implementation of the national policy.

(c) COOPERATION.—The Secretary shall carry out this section in cooperation with the Commercial Remote Sensing Program of the National Aeronautics and Space Administration and a consortium of university research centers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2004.

SEC. 5114. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Secretary should—

(1) give high priority to correcting all 2-digit date-related problems in computer systems of the Department of Transportation to ensure that the systems continue to operate effectively in the year 2000 and thereafter;

(2) assess immediately the extent of the risk to the operations of the Department of Transportation posed by the problems referred to in paragraph (1), and plan and budget for achieving year 2000 compliance for all mission-critical systems of the Department; and

(3) develop contingency plans for those systems that the Secretary of Transportation is unable to correct in time.

SEC. 5115. INTERNATIONAL TRADE TRAFFIC.

(a) STUDY.—The Director shall carry out a study—

(1) to measure the ton-miles and value-miles of international trade traffic carried by highway for each State;

(2) to evaluate the accuracy and reliability of such measures for use in the formula for highway apportionments;

(3) to evaluate the accuracy and reliability of the use of diesel fuel data as a measure of international trade traffic by State; and

(4) to identify needed improvements in long-term data collection programs to provide accurate and reliable measures of international traffic for use in the formula for highway apportionments.

(b) BASIS FOR EVALUATIONS.—The study shall evaluate the accuracy and reliability of measures for use as formula factors based on statistical quality standards developed by the Bureau in consultation with the Committee on National Statistics of the National Academy of Sciences.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study carried out under paragraph (1), including recommendations for changes in law necessary to implement the identified needs for improvements in long-term data collection programs.

SEC. 5116. UNIVERSITY GRANTS.

(a) SEISMIC RESEARCH, UNIVERSITY OF CALIFORNIA AT SAN DIEGO.—

(1) GRANTS.—The Secretary shall make grants to the University of California at San Diego to upgrade earthquake simulation facilities at the University.

(2) FUNDING.—Of the amounts made available under section 5001(a)(1) of this Act, $1,000,000 for each of fiscal years 1999 through 2002 shall be available to carry out this subsection.

(b) GLOBAL CLIMATE RESEARCH, UNIVERSITY OF ALABAMA AT HUNTSVILLE.—

(1) GRANTS.—The Secretary shall make grants to the University of Alabama at Huntsville for global climate research.

(2) FUNDING.—Of the amounts made available under section 5001(a)(1) of this Act, $200,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

(c) ASPHALT RESEARCH, AUBURN UNIVERSITY.—

(1) GRANTS.—The Secretary shall make grants to Auburn University for asphalt research.

(2) FUNDING.—Of the amounts made available under section 5001(a)(1) of this Act, $250,000 for each of fiscal years 1999 and 2000 shall be available to carry out this subsection.

(d) ADVANCED VEHICLE RESEARCH, UNIVERSITY OF ALABAMA AT TUSCALOOSA.—

(1) GRANTS.—The Secretary shall make grants to the University of Alabama at Tuscaloosa for advanced vehicle research, including the study of fuel cell and electric vehicle technology.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $400,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

(e) GEOTHERMAL HEAT PUMP SMART BRIDGE PROGRAM, OKLAHOMA STATE UNIVERSITY.—

(1) GRANTS.—The Secretary shall make grants to Oklahoma State University for the purposes of research, development, and field testing of the Geothermal Heat Pump Smart Bridge Program.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, and $500,000 for fiscal year 2001 shall be available to carry out this subsection.

(f) INTELLIGENT STIFFENER FOR BRIDGE STRESS REDUCTION, UNIVERSITY OF OKLAHOMA.—

(1) GRANTS.—The Secretary shall make grants to the University of Oklahoma, College of Engineering, Center for Structural Control, for the purposes of research, development, and field testing of the Intelligent Stiffener for Bridge Stress Reduction.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $1,000,000 for fiscal year 1999, $1,000,000 for fiscal year 2000, $1,000,000 for fiscal year 2001, and $500,000 for fiscal year 2002 shall be available to carry out this subsection.

(g) STUDY OF ADVANCED TRAUMA CARE, UNIVERSITY OF ALABAMA AT BIRMINGHAM.—

(1) GRANTS.—The Secretary shall make grants to the University of Alabama at Birmingham for the study of advanced trauma care.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $750,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

(h) CENTER FOR TRANSPORTATION INJURY RESEARCH.—

(1) GRANTS.—The Secretary shall make grants to establish and maintain a center for transportation injury research at the Calspan University of Buffalo Research Center affiliated with the State University of New York at Buffalo.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $2,000,000 for each of fiscal years 1998 through 2003 shall be available to carry out this subsection.

(i) HEAD AND SPINAL CORD INJURY RESEARCH.—

(1) GRANTS.—The Secretary shall make grants to the Neuroscience Center for Excellence at Louisiana State University and the Virginia Transportation Research Institute at George Washington University for research and technology development for preventing and minimizing head and spinal cord injuries relating to automobile accidents.

(2) FUNDING.—Of the amounts made available under section 5001(a)(2) of this Act, $500,000 for each of fiscal years 1999 through 2003 shall be available to carry out this subsection.

SEC. 5117. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a transportation technology innovation and demonstration program in accordance with the requirements of this section.

(b) CONTENTS OF PROGRAM.—

(1) MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(A) IN GENERAL.—The Secretary shall expand and continue the study authorized by section 358(c) of the National Highway System Designation Act of 1995 (23 U.S.C. 401 note; 109 Stat. 625) relating to the development of a motor vehicle safety warning system and shall conduct tests of such system.

(B) GRANTS.—In carrying out this paragraph, the Secretary may make grants to State and local governments.

(C) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 5001(a)(2) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(2) MOTOR CARRIER ADVANCED SENSOR CONTROL SYSTEM.—

(A) IN GENERAL.—The Secretary shall conduct research on the deployment of a system of advanced sensors and signal processors in trucks and tractor trailers to determine axle and wheel alignment, monitor collision alarm, check tire pressure and tire balance conditions, measure and detect load distribution in the vehicle, and monitor and adjust automatic braking systems.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(3) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—

(A) IN GENERAL.—The Secretary shall carry out a program to advance the deployment of an operational intelligent transportation infrastructure system for the measurement of various transportation system activities to aid in the transportation planning and analysis while making a significant contribution to the ITS program under this title. This program shall be initiated in the 2 largest metropolitan areas in the State of Pennsylvania. The program may locate its database at the facility authorized under paragraph (6).

(B) DESCRIPTION.—The program under this section shall meet the following objectives:

(i) Build an infrastructure of the measurement of various transportation system metrics to aid in planning, analysis, and maintenance of the Department of Transportation, including the buildout, maintenance, and operation of greater than 40 metropolitan area systems with a cost not to exceed $2,000,000 per metropolitan area. For the purposes of this demonstration initiative, a metropolitan area is defined as any area that has a population exceeding 300,000 and that meets several of the criteria established by the Secretary in conjunction with the intelligent vehicle highway systems corridors program.

(ii) Provide private technology commercialization initiatives to generate revenues which will be shared with local Department of Transportations.

(iii) Collect data primarily through wireless transmission along with some shared wide area networks.

(iv) Aggregate data into reports for multipoint data distribution techniques.

(v) Utilize an advanced information system designed and monitored by an entity with experience with the Department of Transportation in the design and monitoring of high reliability, mission critical voice and data systems.

(C) ELIGIBILITY.—In addition to the amounts made available under subparagraph (D), the program authorized under this paragraph shall be eligible for funding under sections 5207 and 5208 of this Act.

(D) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $1,700,000 per fiscal year shall be available to carry out this paragraph.

(E) FEDERAL SHARE.—The Federal share of the cost of a program carried out under this paragraph shall be 80 percent of the cost of such program.

(4) CORROSION CONTROL AND PREVENTION.—

(A) IN GENERAL.—The Secretary shall make a grant to conduct a study on the costs and benefits of corrosion control and prevention. The study shall be conducted in conjunction with an interdisciplinary team of experts from the fields of metallurgy, chemistry, economics, and others, as appropriate. Not later than September 30, 2001, the Secretary shall submit to Congress a report on the study results, together with any recommendations.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 and 2000 by section 5001(a)(1) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(5) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—

(A) IN GENERAL.—The Secretary shall continue to carry out section 6016 of the Intermodal Surface Transportation Efficiency Act of 1991. Additional areas of the program under such section shall be asphalt-water interaction studies and asphalt-aggregate thin film behavior studies.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 through 2003 by section 5001(a)(1) of this Act, $3,000,000 per fiscal year shall be available to carry out this paragraph.

(6) ADVANCED TRAFFIC MONITORING AND RESPONSE CENTER.—

(A) IN GENERAL.—The Secretary shall make grants to the Pennsylvania Transportation Institute, in conjunction with the Pennsylvania Turnpike Commission, to establish an advanced traffic monitoring and emergency response center at Letterkenny Army Depot in Chambersburg, Pennsylvania. The center shall help develop and coordinate traffic monitoring and ITS systems on portions of the Pennsylvania Turnpike system and I–81, coordinate emergency response with State and local governments in the Central Pennsylvania Region and conduct research on emergency response and prototype trauma response.

(B) FUNDING.—

(i) ELIGIBILITY UNDER SECTION 5208.—The center established under this paragraph shall be eligible for funding under section 5208 of this Act.

(ii) ALLOCATION.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $1,667,000 per fiscal year shall be available to carry out this paragraph.

(7) TRANSPORTATION ECONOMIC AND LAND USE SYSTEM.—

(A) IN GENERAL.—The Secretary shall continue development and deployment through the New Jersey Institute of Technology to metropolitan planning organizations of the Transportation Economic and Land Use System.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(2) of this Act, $1,000,000 per fiscal year shall be available to carry out this paragraph.

(8) 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 paragraph as the ''Center'').

(B) ACTIVITIES.—

(i) IN GENERAL.—The Center shall—

(I) 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;

(II) 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;

(III) 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

(IV) 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.

(ii) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out clause (i)(III), the Secretary may authorize the Center to—

(I) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

(II) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

(C) REVIEW AND EVALUATION.—

(i) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

(ii) NOTIFICATION OF DEFICIENCIES.—In carrying out clause (i), if the Secretary determines that the Center is deficient in carrying out subparagraph (B), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

(iii) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under clause (ii), the Secretary determines that the Center has not corrected each deficiency identified under clause (ii), 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 the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(1) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

SEC. 5118. DREXEL UNIVERSITY INTELLIGENT INFRASTRUCTURE INSTITUTE.

(a) IN GENERAL.—The Secretary, in cooperation with the State of Pennsylvania, shall establish the Intelligent Infrastructure Institute at Drexel University, Pennsylvania. The Institute shall conduct research, training, technology transfer, construction, maintenance, and other activities to advance infrastructure research.

(b) FUNDING.—The amounts made available by the item numbered 315 in the table contained in section 1602 of this Act shall be available to carry out this section.

(c) AUTHORIZATION.—There is authorized to be appropriated $10,000,000 to carry out subsection (a).

(d) FACILITY.—Funds made available to carry out this section may be used to construct a building to house the Institute.

SEC. 5119. CONFORMING AMENDMENTS.

(a) Section 204(b) of title 23, United States Code, is amended in the last sentence by striking ''326'' and inserting ''504(b)''.

(b) Sections 307, 321, 325, and 326 of title 23, United States Code, are repealed.

(c) The analysis for chapter 3 of title 23, United States Code, is amended by striking the items relating to sections 307, 321, 325, and 326.

(d) Section 115(a)(1)(A)(i) of title 23, United States Code, is amended by striking ''or 307'' and inserting ''or 505''.

(e) Section 151(d) of title 23, United States Code, is amended by striking ''section 307(a),'' and inserting ''section 502,''.

(f) Section 106 of Public Law 89–564 (23 U.S.C. 403 note; 80 Stat. 735) is amended in the third sentence by striking ''sections 307 and 403 of title 23, United States Code,'' and inserting ''section 403 and chapter 5 of title 23, United States Code,''.

Subtitle C—Intelligent Transportation Systems

SEC. 5201. SHORT TITLE.

This subtitle may be cited as the ''Intelligent Transportation Systems Act of 1998''.

SEC. 5202. FINDINGS.

Congress finds that—

(1) investments authorized by the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914 et seq.) have demonstrated that intelligent transportation systems can mitigate surface transportation problems in a cost-effective manner; and

(2) continued investment in architecture and standards development, research, and systems integration is needed to accelerate the rate at which intelligent transportation systems are incorporated into the national surface transportation network, thereby improving transportation safety and efficiency and reducing costs and negative impacts on communities and the environment.

SEC. 5203. GOALS AND PURPOSES.

(a) GOALS.—The goals of the intelligent transportation system program include—

(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services, and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles, with particular emphasis on decreasing the number and severity of collisions;

(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial vehicles, passenger vehicles, and motorcycles, and including individuals with disabilities; and

(5) improvement of the Nation's ability to respond to emergencies and natural disasters and enhancement of national defense mobility.

(b) PURPOSES.—The Secretary shall implement activities under the intelligent system transportation program to, at a minimum—

(1) expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for full consideration in the transportation planning process;

(3) improve regional cooperation and operations planning for effective intelligent transportation system deployment;

(4) promote the innovative use of private resources;

(5) develop a workforce capable of developing, operating, and maintaining intelligent transportation systems; and

(6) complete deployment of Commercial Vehicle Information Systems and Networks in a majority of States by September 30, 2003.

SEC. 5204. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing intelligent transportation system program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of such systems as a component of the surface transportation systems of the United States.

(b) POLICY.—Intelligent transportation system operational tests and deployment projects funded pursuant to this subtitle shall encourage and not displace public-private partnerships or private sector investment in such tests and projects.

(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the United States private sector, the Federal laboratories, and colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system program, the Secretary, as appropriate, shall consult with the Secretary of Commerce, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other Federal departments and agencies.

(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

(f) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation system management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

(g) INFORMATION CLEARINGHOUSE.—

(1) IN GENERAL.—The Secretary shall—

(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subtitle; and

(B) on request, make that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) DELEGATION OF AUTHORITY.—

(A) IN GENERAL.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation.

(B) FEDERAL ASSISTANCE.—If the Secretary delegates the responsibility, the entity to which the responsibility is delegated shall be eligible for Federal assistance under this section.

(h) ADVISORY COMMITTEES.—

(1) IN GENERAL.—In carrying out this subtitle, the Secretary may use 1 or more advisory committees.

(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee so used shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(i) PROCUREMENT METHODS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including innovative and nontraditional methods such as the Information Technology Omnibus Procurement.

(2) INTELLIGENT TRANSPORTATION SYSTEM SOFTWARE.—To the maximum extent practicable, contracting officials shall use as a critical evaluation criterion the Software Engineering Institute's Capability Maturity Model, or another similar recognized standard risk assessment methodology, to reduce the cost, schedule, and performance risks associated with the development, management, and integration of intelligent transportation system software.

(j) EVALUATIONS.—

(1) GUIDELINES AND REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the evaluation of operational tests and deployment projects carried out under this subtitle.

(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the evaluator so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish evaluation funding levels based on the size and scope of each test or project that ensure adequate evaluation of the results of the test or project.

(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the evaluation of any test, deployment project, or program assessment activity under this subtitle shall not be subject to chapter 35 of title 44.

SEC. 5205. NATIONAL ITS PROGRAM PLAN.

(a) IN GENERAL.—

(1) UPDATES.—The Secretary shall maintain and update, as necessary, the National ITS Program Plan developed by the Department of Transportation and the Intelligent Transportation Society of America.

(2) SCOPE.—The National ITS Program Plan shall—

(A) specify the goals, objectives, and milestones for the research and deployment of intelligent transportation systems in the context of major metropolitan areas, smaller metropolitan and rural areas, and commercial vehicle operations;

(B) specify how specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (A), including consideration of the 5- and 10-year timeframes for the goals and objectives;

(C) identify activities that provide for the dynamic development of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish critical standards; and

(D) establish a cooperative process with State and local governments for determining desired surface transportation system performance levels and developing plans for incorporation of specific intelligent transportation system capabilities into surface transportation systems.

(b) REPORTING.—The plan described in subsection (a) shall be transmitted and updated as part of the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code.

SEC. 5206. NATIONAL ARCHITECTURE AND STANDARDS.

(a) IN GENERAL.—

(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary may use the services of such standards development organizations as the Secretary determines to be appropriate.

(b) REPORT ON CRITICAL STANDARDS.—Not later than June 1, 1999, the Secretary shall submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives identifying which standards are critical to ensuring national interoperability or critical to the development of other standards and specifying the status of the development of each standard identified.

(c) PROVISIONAL STANDARDS.—

(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard after consultation with affected parties, and using, to the extent practicable, the work product of appropriate standards development organizations.

(2) CRITICAL STANDARDS.—If a standard identified as critical in the report under subsection (b) is not adopted and published by the appropriate standards development organization by January 1, 2001, the Secretary shall establish a provisional standard after consultation with affected parties, and using, to the extent practicable, the work product of appropriate standards development organizations.

(3) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) or (2) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

(d) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL STANDARD.—

(1) IN GENERAL.—The Secretary may waive the requirement under subsection (c)(2) to establish a provisional standard if the Secretary determines that additional time would be productive or that establishment of a provisional standard would be counterproductive to achieving the timely achievement of the objectives identified in subsection (a).

(2) NOTICE.—The Secretary shall publish in the Federal Register a notice describing each standard for which a waiver of the provisional standard requirement has been granted, the reasons for and effects of granting the waiver, and an estimate as to when the standard is expected to be adopted through a process consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(3) WITHDRAWAL OF WAIVER.—At any time the Secretary may withdraw a waiver granted under paragraph (1). Upon such withdrawal, the Secretary shall publish in the Federal Register a notice describing each standard for which a waiver has been withdrawn and the reasons for withdrawing the waiver.

(e) CONFORMITY WITH NATIONAL ARCHITECTURE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

(2) SECRETARY'S DISCRETION.—The Secretary may authorize exceptions to paragraph (1) for—

(A) projects designed to achieve specific research objectives outlined in the National ITS Program Plan under section 5205 or the Surface Transportation Research and Development Strategic Plan developed under section 508 of title 23, United States Code; or

(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this subtitle, if the Secretary determines that the upgrade or expansion—

(i) would not adversely affect the goals or purposes of this subtitle;

(ii) is carried out before the end of the useful life of such system; and

(iii) is cost-effective as compared to alternatives that would meet the conformity requirement of paragraph (1).

(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this subtitle.

(f) SPECTRUM.—The Federal Communications Commission shall consider, in consultation with the Secretary, spectrum needs for the operation of intelligent transportation systems, including spectrum for the dedicated short-range vehicle-to-wayside wireless standard. Not later than January 1, 2000, the Federal Communications Commission shall have completed a rulemaking considering the allocation of spectrum for intelligent transportation systems.

SEC. 5207. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development and operational tests of intelligent vehicles and intelligent infrastructure systems, and other similar activities that are necessary to carry out this subtitle.

(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—

(1) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems;

(2) focus on crash-avoidance and integration of in-vehicle crash protection technologies with other on-board safety systems, including the interaction of air bags and safety belts;

(3) incorporate human factors research, including the science of the driving process;

(4) facilitate the integration of intelligent infrastructure, vehicle, and control technologies, including magnetic guidance control systems or other materials or magnetics research; or

(5) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates.

(c) OPERATIONAL TESTS.—Operational tests conducted under this section shall be designed for the collection of data to permit objective evaluation of the results of the tests, derivation of cost-benefit information that is useful to others contemplating deployment of similar systems, and development and implementation of standards.

(d) FEDERAL SHARE.—The Federal share of the cost of operational tests and demonstrations under subsection (a) shall not exceed 80 percent.

SEC. 5208. INTELLIGENT TRANSPORTATION SYSTEM INTEGRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive program to accelerate the integration and interoperability of intelligent transportation systems in metropolitan and rural areas. Under the program, the Secretary shall select for funding, through competitive solicitation, projects that will serve as models to improve transportation efficiency, promote safety (including safe freight movement), increase traffic flow (including the flow of intermodal travel at ports of entry), reduce emissions of air pollutants, improve traveler information, enhance alternative transportation modes, build on existing intelligent transportation system projects, or promote tourism.

(b) SELECTION OF PROJECTS.—Under the program, the Secretary shall give priority to funding projects that—

(1) contribute to national deployment goals and objectives outlined in the National ITS Program Plan under section 5205;

(2) demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memoranda of understanding that clearly define the responsibilities and relations of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support deployment;

(3) encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships, including arrangements that generate revenue to offset public investment costs;

(4) demonstrate commitment to a comprehensive plan of fully integrated intelligent transportation system deployment in accordance with the national architecture and standards and protocols established under section 5206;

(5) are part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans, as appropriate, at the time at which Federal funds are sought;

(6) minimize the relative percentage and amount of Federal contributions under this section to total project costs;

(7) ensure continued, long-term operations and maintenance without continued reliance on Federal funding under this subtitle, as evidenced by documented evidence of fiscal capacity and commitment from anticipated public and private sources;

(8) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills;

(9) mitigate any adverse impacts on bicycle and pedestrian transportation and safety; or

(10) in the case of a rural area, meet other safety, mobility, geographic and regional diversity, or economic development criteria as determined by the Secretary.

(c) FISCAL YEAR LIMITATIONS.—Of the amounts made available to carry out this section for a fiscal year—

(1) not more that $15,000,000 may be used for projects in a single metropolitan area;

(2) not more than $2,000,000 may be used for projects in a single rural area; and

(3) not more than $35,000,000 may be used for projects in a State.

(d) FUNDING LIMITATIONS.—

(1) PROJECTS IN METROPOLITAN AREAS.—Funding under this section for intelligent transportation infrastructure projects in metropolitan areas shall be used primarily for activities necessary to integrate intelligent transportation infrastructure elements that are either deployed or to be deployed with other sources of funds.

(2) OTHER PROJECTS.—For projects outside metropolitan areas, funding provided under this subtitle may also be used for installation of intelligent transportation infrastructure elements.

(e) FUNDING FOR RURAL AREAS.—The Secretary shall allocate not less than 10 percent of funds authorized by section 5001(c)(4)(A) in rural areas for intelligent transportation infrastructure deployment activities funded under this section to carry out intelligent transportation infrastructure deployment activities in rural areas.

(f) FEDERAL SHARE.—

(1) FUNDS MADE AVAILABLE UNDER THIS SECTION.—The Federal share of the cost of a project payable from funds made available under this section shall not exceed 50 percent.

(2) FUNDS MADE AVAILABLE FROM ALL FEDERAL SOURCES.—The total Federal share of the cost of a project payable from all eligible sources (including this section) shall not exceed 80 percent.

(g) CORRIDOR DEVELOPMENT AND COORDINATION.—

(1) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements intended to promote regional cooperation, planning, and shared project implementation for intelligent transportation system projects.

(2) GREAT LAKES ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants under this subsection to the State of Wisconsin to continue ITS activities in the corridor serving the Greater Milwaukee, Wisconsin, Chicago, Illinois, and Gary, Indiana, areas initiated under the Intermodal Surface Transportation Efficiency Act of 1991 and other areas of the State.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 under section 5001(c)(4)(A) of this Act, $2,000,000 per fiscal year shall be available to carry out this paragraph.

(3) NORTHEAST ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants under this subsection to the States to continue ITS activities in the Interstate Route I–95 corridor in the northeastern United States initiated under the Intermodal Surface Transportation Efficiency Act of 1991.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 under section 5001(c)(4)(A) of this Act, $5,000,000 per fiscal year shall be available to carry out this paragraph.

SEC. 5209. COMMERCIAL VEHICLE INTELLIGENT TRANSPORTATION SYSTEM INFRASTRUCTURE DEPLOYMENT.

(a) IN GENERAL.—The Secretary shall carry out a comprehensive program to deploy intelligent transportation systems that—

(1) improve the safety and productivity of commercial vehicles and drivers; and

(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

(b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications to commercial vehicle operations,

including commercial vehicle, commercial driver, and carrier-specific information systems and networks.

(c) PRIORITY AREAS.—In carrying out the program, the Secretary shall give priority to projects that—

(1) encourage multistate cooperation and corridor development;

(2)(A) improve the safety of commercial vehicle operations; and

(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and generally increase the effectiveness of enforcement efforts;

(3)(A) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

(B) promote communication of the information among the States; or

(4) enhance the safe passage of commercial vehicles across the United States and across international borders.

(d) LEVERAGING OF FEDERAL FUNDS.—Federal funds used to carry out the program shall, to the maximum extent practicable—

(1) be leveraged with non-Federal funds; and

(2) be used for activities not carried out through the use of private funds.

(e) FEDERAL SHARE.—The Federal share of the cost of the project payable from funds made available to carry out this section shall not exceed 50 percent. The total Federal share of the cost of the project payable from all eligible sources shall not exceed 80 percent.

SEC. 5210. USE OF FUNDS.

(a) OUTREACH AND PUBLIC RELATIONS LIMITATION.—

(1) IN GENERAL.—For each fiscal year, not more than $5,000,000 of the funds made available to carry out this subtitle shall be used for intelligent transportation system outreach, public relations, displays, scholarships, tours, and brochures.

(2) APPLICABILITY.—Paragraph (1) shall not apply to intelligent transportation system training or the publication or distribution of research findings, technical guidance, or similar documents.

(b) INFRASTRUCTURE DEVELOPMENT.—Funds made available to carry out this subtitle for operational tests and deployment projects—

(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

(2) to the maximum extent practicable, shall not be used for the construction of physical highway and transit infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

(c) LIFE CYCLE COST ANALYSIS AND FINANCING AND OPERATIONS PLAN.—The Secretary shall require an applicant for funds made available under sections 5208 and 5209 to submit to the Secretary—

(1) an analysis of the life-cycle costs of operation and maintenance of intelligent transportation system elements, if the total initial capital costs of the elements exceed $3,000,000; and

(2) a multiyear financing and operations plan that describes how the project will be cost-effectively operated and maintained.

SEC. 5211. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term ''Commercial Vehicle Information Systems and Networks'' means the information systems and communications networks that support commercial vehicle operations.

(2) COMMERCIAL VEHICLE OPERATIONS.—The term ''commercial vehicle operations''—

(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods, including hazardous materials, and passengers; and

(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

(3) CORRIDOR.—The term ''corridor'' means any major transportation route that includes parallel limited access highways, major arterials, or transit lines.

(4) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term ''intelligent transportation infrastructure'' means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

(5) INTELLIGENT TRANSPORTATION SYSTEM.—The term ''intelligent transportation system'' means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

(6) NATIONAL ARCHITECTURE.—The term ''national architecture'' means the common framework for interoperability adopted by the Secretary that defines—

(A) the functions associated with intelligent transportation system user services;

(B) the physical entities or subsystems within which the functions reside;

(C) the data interfaces and information flows between physical subsystems; and

(D) the communications requirements associated with the information flows.

(7) STANDARD.—The term ''standard'' means a document that—

(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

(B) may support the national architecture and promote—

(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

(8) STATE.—The term ''State'' has the meaning given the term under section 101 of title 23, United States Code.

SEC. 5212. PROJECT FUNDING.

(a) USE OF HAZARDOUS MATERIALS MONITORING SYSTEMS.—

(1) IN GENERAL.—The Secretary shall conduct research on improved methods of deploying and integrating existing ITS projects to include hazardous materials monitoring systems across various modes of transportation.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(6) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

(b) OUTREACH AND TECHNOLOGY TRANSFER ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall continue to support the Urban Consortium's ITS outreach and technology transfer activities.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 5001(a)(5) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(c) TRANSLINK.—

(1) IN GENERAL.—The Secretary shall make grants to the Texas Transportation Institute to continue the Translink Research program.

(2) FUNDING.—Of the amounts allocated for each of fiscal years 1999 through 2001 by section 5001(a)(6) of this Act, $1,300,000 per fiscal year shall be available to carry out this paragraph.

SEC. 5213. REPEAL.

The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title VI (23 U.S.C. 307 note; 105 Stat. 2189).

TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

SEC. 6101. FINDINGS AND PURPOSE.

(a) The Congress finds that—

(1) there is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and the States should receive full funding for the monitoring efforts;

(2) such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) the President of the United States directed the Administrator of the Environmental Protection Agency (referred to in this title as the ''Administrator'') in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine ''whether to revise or maintain the standards'';

(4) the Administrator has stated that 3 years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable Federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) the Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries.

(b) The purposes of this title are—

(1) to ensure that 3 years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) to ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) to ensure that the schedule for implementation of the July 1997 revisions of the ambient air quality standards for particulate matter and the schedule for the Environmental Protection Agency's visibility regulations related to regional haze are consistent with the timetable for implementation of such particulate matter standards as set forth in the President's Implementation Memorandum dated July 16, 1997.

SEC. 6102. PARTICULATE MATTER MONITORING PROGRAM.

(a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal year 2000 to fund 100 percent of the cost of the establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States, consistent with their respective authorities under the Clean Air Act, shall ensure that the national network (designated in subsection (a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c)(1) The Governors shall be required to submit designations referred to in section 107(d)(1) of the Clean Air Act for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within 1 year after receipt of 3 years of air quality monitoring data

performed in accordance with any applicable Federal reference methods for the relevant areas. Only data from the monitoring network designated in subsection (a) and other Federal reference method $PM_{2.5}$ monitors shall be considered for such designations. Nothing in the previous sentence shall be construed as affecting the Governor's authority to designate an area initially as nonattainment, and the Administrator's authority to promulgate the designation of an area as nonattainment, under section 107(d)(1) of the Clean Air Act, based on its contribution to ambient air quality in a nearby nonattainment area.

(2) For any area designated as nonattainment for the July 1997 $PM_{2.5}$ national ambient air quality standard in accordance with the schedule set forth in this section, notwithstanding the time limit prescribed in paragraph (2) of section 169B(e) of the Clean Air Act, the Administrator shall require State implementation plan revisions referred to in such paragraph (2) to be submitted at the same time as State implementation plan revisions referred to in section 172 of the Clean Air Act implementing the revised national ambient air quality standard for fine particulate matter are required to be submitted. For any area designated as attainment or unclassifiable for such standard, the Administrator shall require the State implementation plan revisions referred to in such paragraph (2) to be submitted 1 year after the area has been so designated. The preceding provisions of this paragraph shall not preclude the implementation of the agreements and recommendations set forth in the Grand Canyon Visibility Transport Commission Report dated June 1996.

(d) The Administrator shall promulgate the designations referred to in section 107(d)(1) of the Clean Air Act for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard by the earlier of 1 year after the initial designations required under subsection (c)(1) are required to be submitted or December 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the United States Senate no later than 2 years from the date of enactment of this Act.

SEC. 6103. OZONE DESIGNATION REQUIREMENTS.

(a) The Governors shall be required to submit the designations referred to in section 107(d)(1) of the Clean Air Act within 2 years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than 1 year after the designations required under subsection (a) are required to be submitted.

SEC. 6104. ADDITIONAL PROVISIONS.

Nothing in sections 6101 through 6103 shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or $PM_{2.5}$ standards.

TITLE VII—MISCELLANEOUS

Subtitle A—Automobile Safety and Information

SEC 7101. SHORT TITLE.

This subtitle may be cited as the ''National Highway Traffic Safety Administration Reauthorization Act of 1998''.

SEC. 7102. AUTHORIZATIONS OF APPROPRIATIONS.

(a) MOTOR VEHICLE SAFETY ACTIVITIES.—Section 30104 of title 49, United States Code, is amended to read as follows:

''§ 30104. Authorization of appropriations

''There is authorized to be appropriated to the Secretary $81,200,000 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.''.

(b) MOTOR VEHICLE INFORMATION ACTIVITIES.—Section 32102 of title 49, United States Code, is amended to read as follows:

''§ 32102. Authorization of appropriations

''There is authorized to be appropriated to the Secretary $6,200,000 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.''.

SEC. 7103. IMPROVING AIR BAG SAFETY.

(a) RULEMAKING TO IMPROVE AIR BAGS.—

(1) NOTICE OF PROPOSED RULEMAKING.—Not later than September 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags.

(2) FINAL RULE.—Notwithstanding any other provision of law, the Secretary shall complete the rulemaking required by this subsection by issuing, not later than September 1, 1999, a final rule with any provision the Secretary deems appropriate, consistent with paragraph (1) and the requirements of section 30111, title 49, United States Code. If the Secretary determines that the final rule cannot be completed by that date to meet the purposes of paragraph (1), the Secretary may extend the date for issuing the final rule to not later than March 1, 2000.

(3) EFFECTIVE DATE.—The final rule issued under this subsection shall become effective in phases as rapidly as practicable, beginning not earlier than September 1, 2002, and no sooner than 30 months after the date of the issuance of the final rule, but not later than September 1, 2003. The final rule shall become fully effective for all vehicles identified in section 30127(b), title 49, United States Code, that are manufactured on and after September 1, 2005. Should the phase-in of the final rule required by this paragraph commence on September 1, 2003, then in that event, and only in that event, the Secretary is authorized to make the final rule fully effective on September 1, 2006, for all vehicles that are manufactured on and after that date.

(4) COORDINATION OF EFFECTIVE DATES.—The requirements of S13 of Standard No. 208 shall remain in effect unless and until changed by the rule required by this subsection.

(5) CREDIT FOR EARLY COMPLIANCE.—To encourage early compliance, the Secretary is directed to include in the notice of proposed rulemaking required by paragraph (1) means by which manufacturers may earn credits for future compliance. Credits, on a one-vehicle for one-vehicle basis, may be earned for vehicles certified as being in full compliance under section 30115 of title 49, United States Code, with the rule required by paragraph (2) which are either—

(A) so certified in advance of the phase-in period; or

(B) in excess of the percentage requirements during the phase-in period.

(b) ADVISORY COMMITTEES.—Any government advisory committee, task force, or other entity involving air bags shall include representatives of consumer and safety organizations, insurers, manufacturers, and suppliers.

SEC. 7104. RESTRICTIONS ON LOBBYING ACTIVITIES.

(a) AMENDMENT.—Subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30105. Restriction on lobbying activities

''(a) IN GENERAL.—No funds appropriated to the Secretary shall be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.

''(b) APPEARANCE AS WITNESS NOT BARRED.—Subsection (a) does not prohibit officers or employees of the United States from testifying before any State or local legislative body in response to the invitation of any member of that legislative body or a State executive office.''.

(b) CLERICAL AMENDMENT.—The table of contents in subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''30105. Restriction on lobbying activities.''.

SEC. 7105. ODOMETERS.

(a) TRANSFERS OF NEW MOTOR VEHICLES.—Section 32705(a) of title 49, United States Code, is amended by adding at the end the following:

''(4)(A) This subsection shall apply to all transfers of motor vehicles (unless otherwise exempted by the Secretary by regulation), except in the case of transfers of new motor vehicles from a vehicle manufacturer jointly to a dealer and a person engaged in the business of renting or leasing vehicles for a period of 30 days or less.

''(B) For purposes of subparagraph (A), the term 'new motor vehicle' means any motor vehicle driven with no more than the limited use necessary in moving, transporting, or road testing such vehicle prior to delivery from the vehicle manufacturer to a dealer, but in no event shall the odometer reading of such vehicle exceed 300 miles.''.

(b) EXEMPTED VEHICLES.—Section 32705(a) of title 49, United States Code, as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(5) The Secretary may exempt such classes or categories of vehicles as the Secretary deems appropriate from these requirements. Until such time as the Secretary amends or modifies the regulations set forth in 49 CFR 580.6, such regulations shall have full force and effect.''.

SEC. 7106. MISCELLANEOUS AMENDMENTS.

(a) REMEDIES FOR DEFECTS AND NONCOMPLIANCE.—Section 30120(i)(1) of title 49, United States Code, is amended by inserting ''(including retailers of motor vehicle equipment)'' after ''dealer'' the first time it appears.

(b) TIRES.—Section 30123 of title 49, United States Code, is amended by striking subsections (a), (b), and (c) and by redesignating subsections (d), (e), and (f), as subsections (a), (b), and (c), respectively.

(c) AUTOMATIC OCCUPANT CRASH PROTECTION AND SEAT BELT USE.—Section 30127(g)(1) of title 49, United States Code, is amended by striking ''every 6 months'' and inserting ''annually''.

(d) MISCELLANEOUS.—

(1) DEFINITIONS.—

(A) COUNTRY OF ORIGIN.—Section 32304(a)(3)(B) of title 49, United States Code, is amended by inserting before the period the following: '', plus the assembly and labor costs incurred for the final assembly of such engines and transmissions''.

(B) FINAL ASSEMBLY PLACE.—Section 32304(a)(5) of title 49, United States Code, is amended is amended by adding at the end the following: ''Such term does not include facilities for engine and transmission fabrication and assembly and the facilities for fabrication of motor vehicle equipment component parts which are produced at the same final assembly place using forming processes such as stamping, machining, or molding processes.''.

(C) OUTSIDE SUPPLIER CONTENT REPORTING.—Section 32304(a)(9)(A) of title 49, United States Code, is amended to read as follows:

''(A) for an outside supplier—

''(i) the full purchase price of passenger motor vehicle equipment whose purchase price contains at least 70 percent value added in the United States and Canada; or

''(ii) that portion of the purchase price of passenger motor vehicle equipment containing less than 70 percent value added in the United

States and Canada that is attributable to the percent value added in the United States and Canada when such percent is expressed to the nearest 5 percent; and''.

(2) COUNTRY OF ASSEMBLY.—Section 32304(d) of title 49, United States Code, is amended by adding at the end the following; ''A manufacturer may add to the label required under subsection (b) a line stating the country in which vehicle assembly was completed.''.

(3) VEHICLE CONTENT PERCENTAGE BY ASSEMBLY PLANT.—Section 32304 of title 49, United States Code, is amended by redesignating subsections (c) through (f) as subsections (f) through (i), respectively, and by adding after subsection (b) the following:

''(c) VEHICLE CONTENT PERCENTAGE BY ASSEMBLY PLANT.—A manufacturer may display separately on the label required by subsection (b) the domestic content of a vehicle based on the assembly plant. Such display shall occur after the matter required to be in the label by subsection (b)(1)(A).''.

(4) SUPPLIERS FAILING TO REPORT.—Section 32304 of title 49, United States Code, is amended by adding after subsection (c), as added by paragraph (3), the following:

''(d) VALUE ADDED DETERMINATION.—If a manufacturer or allied supplier requests information in a timely manner from one or more of its outside suppliers concerning the United States/Canadian content of particular equipment, but does not receive that information despite a good faith effort to obtain it, the manufacturer or allied supplier may make its own good faith value added determinations, subject to the following:

''(1) The manufacturer or allied supplier shall make the same value added determinations as would be made by the outside supplier, that is, whether 70 percent or more of the value of equipment is added in the United States and/or Canada.

''(2) The manufacturer or allied supplier shall consider the amount of value added and the location in which the value was added for all of the stages that the outside supplier would be required to consider.

''(3) The manufacturer or allied supplier may determine that the value added in the United States and/or Canada is 70 percent or more only if it has a good faith basis to make that determination.

''(4) A manufacturer and its allied suppliers may, on a combined basis, make value added determinations for no more than 10 percent, by value, of a carline's total parts content from outside suppliers.

''(5) Value added determinations made by a manufacturer or allied supplier under this paragraph shall have the same effect as if they were made by the outside supplier.

''(6) This provision does not affect the obligation of outside suppliers to provide the requested information.''.

(5) ACCOUNTING FOR THE VALUE OF SMALL PARTS.—Section 32304 of title 49, United States Code, is amended by adding after subsection (d), as added by paragraph (4), the following:

''(e) SMALL PARTS.—The country of origin of nuts, bolts, clips, screws, pins, braces, gasoline, oil, blackout, phosphate rinse, windshield washer fluid, fasteners, tire assembly fluid, rivets, adhesives, and grommets, of any system, subassembly, or component installed in a vehicle shall be considered to be the country in which such parts were included in the final assembly of such vehicle.''.

(e) STUDY.—The National Highway Traffic Safety Administration shall conduct a study of the benefits to motor vehicle drivers of a regulation to require the installation in a motor vehicle of an interior device to release the trunk lid. Not later than 18 months after the date of the enactment of this Act, the Administration shall submit a report on the results of the study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 7107. IMPORTATION OF MOTOR VEHICLE FOR SHOW OR DISPLAY.

(a) IMPORTATION OF NONCOMPLYING MOTOR VEHICLES.—Section 30114 of title 49, United States Code, is amended by striking ''or competitive racing events'' and inserting ''competitive racing events, show, or display''.

(b) TRANSITION RULE.—A person who is the owner of a motor vehicle located in the United States on the date of enactment of this Act may seek an exemption under section 30114 of title 49, United States Code, as amended by subsection (a) of this section, for a period of 6 months after the date regulations of the Secretary of Transportation promulgated in response to such amendment take effect.

Subtitle B—Railroads

SEC. 7201. HIGH-SPEED RAIL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

''(d) FISCAL YEAR 1998.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1998, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1998, for carrying out section 26102 (including payment of administrative expenses related thereto).

''(e) FISCAL YEAR 1999.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1999, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1999, for carrying out section 26102 (including payment of administrative expenses related thereto).

''(f) FISCAL YEAR 2000.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2000, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2000, for carrying out section 26102 (including payment of administrative expenses related thereto).

''(g) FISCAL YEAR 2001.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2001, for carrying out section 26101 (including payment of administrative expenses related thereto).

''(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2001, for carrying out section 26102 (including payment of administrative expenses related thereto).''.

(b) DEFINITION.—Section 26105(2) of title 49, United States Code, is amended to read as follows:

''(2) the term 'high-speed rail' means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

''(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

''(B) made available to members of the general public as passengers,

but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;''.

SEC. 7202. LIGHT DENSITY RAIL LINE PILOT PROJECTS.

(a) AMENDMENT.—Part B of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 223—LIGHT DENSITY RAIL LINE PILOT PROJECTS

''Sec.

''22301. Light density rail line pilot projects.

''§ 22301. Light density rail line pilot projects

''(a) GRANTS.—The Secretary of Transportation may make grants to States that have State rail plans described in section 22102 (1) and (2), to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under title 23.

''(b) LIMITATIONS.—Grants under this section may be made only for pilot projects for making capital improvements to, and rehabilitating, publicly and privately owned rail line structures, and may not be used for providing operating assistance.

''(c) PRIVATE OWNER CONTRIBUTIONS.—Grants made under this section for projects on privately owned rail line structures shall include contributions by the owner of the rail line structures, based on the benefit to those structures, as determined by the Secretary.

''(d) STUDY.—The Secretary shall conduct a study of the pilot projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $17,500,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Such funds shall remain available until expended.''.

(b) TABLE OF CHAPTERS.—The table of chapters of subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 221 the following new item:

''223. LIGHT DENSITY RAIL LINE PILOT PROJECTS ..... 22301''.

SEC. 7203. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

(a) AMENDMENTS.—Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended—

(1) by striking sections 501 through 504 and inserting the following new sections:

''SEC. 501. DEFINITIONS.

''For purposes of this title:

''(1)(A) The term 'cost' means the estimated long-term cost to the Government of a direct loan or loan guarantee or modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

''(B) The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following estimated cash flows:

''(i) Loan disbursements.

''(ii) Repayments of principal.

''(iii) Payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries.

Calculation of the cost of a direct loan shall include the effects of changes in loan terms resulting from the exercise by the borrower of an option included in the loan contract.

''(C) The cost of a loan guarantee shall be the net present value, at the time when the guaranteed loan is disbursed, of the following estimated cash flows:

''(i) Payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments.

''(ii) Payments to the Government, including origination and other fees, penalties, and recoveries.

Calculation of the cost of a loan guarantee shall include the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in the loan guarantee contract, or by the borrower of an option included in the guaranteed loan contract.

''(D) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of a direct loan or loan guarantee contract, and the current estimate of the net present value of the remaining cash flows under the terms of the contract, as modified.

''(E) In estimating net present values, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the cash flows of the direct loan or loan guarantee for which the estimate is being made.

''(F) When funds are obligated for a direct loan or loan guarantee, the estimated cost shall be based on the current assumptions, adjusted to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

''(2) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(3) The term 'direct loan' means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, including the sale of a government asset on credit terms. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims.

''(4) The term 'direct loan obligation' means a binding agreement by the Secretary to make a direct loan when specified conditions are fulfilled by the borrower.

''(5) The term 'intermodal' means of or relating to the connection between rail service and other modes of transportation, including all parts of facilities at which such connection is made.

''(6) The term 'loan guarantee' means any guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

''(7) The term 'loan guarantee commitment' means a binding agreement by the Secretary to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

''(8) The term 'modification' means any Government action that alters the estimated cost of an outstanding direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) from the current estimate of cash flows. This includes the sale of loan assets, with or without recourse, and the purchase of guaranteed loans. This also includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) such as a change in collection procedures.

''SEC. 502. DIRECT LOANS AND LOAN GUARANTEES.

''(a) GENERAL AUTHORITY.—The Secretary may provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least 1 railroad.

''(b) ELIGIBLE PURPOSES.—

''(1) IN GENERAL.—Direct loans and loan guarantees under this section shall be used to—

''(A) acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, components of track, bridges, yards, buildings, and shops;

''(B) refinance outstanding debt incurred for the purposes described in subparagraph (A); or

''(C) develop or establish new intermodal or railroad facilities.

''(2) OPERATING EXPENSES NOT ELIGIBLE.—Direct loans and loan guarantees under this section shall not be used for railroad operating expenses.

''(c) PRIORITY PROJECTS.—In granting applications for direct loans or guaranteed loans under this section, the Secretary shall give priority to projects that—

''(1) enhance public safety;

''(2) enhance the environment;

''(3) promote economic development;

''(4) enable United States companies to be more competitive in international markets;

''(5) are endorsed by the plans prepared under section 135 of title 23, United States Code, by the State or States in which they are located; or

''(6) preserve or enhance rail or intermodal service to small communities or rural areas.

''(d) EXTENT OF AUTHORITY.—The aggregate unpaid principal amounts of obligations under direct loans and loan guarantees made under this section shall not exceed $3,500,000,000 at any one time. Of this amount, not less than $1,000,000,000 shall be available solely for projects primarily benefiting freight railroads other than Class I carriers.

''(e) RATES OF INTEREST.—

''(1) DIRECT LOANS.—The Secretary shall require interest to be paid on a direct loan made under this section at a rate not less than that necessary to recover the cost of making the loan.

''(2) LOAN GUARANTEES.—The Secretary shall not make a loan guarantee under this section if the interest rate for the loan exceeds that which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates and customary fees incurred under similar obligations in the private capital market.

''(f) INFRASTRUCTURE PARTNERS.—

''(1) AUTHORITY OF SECRETARY.—In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source to fund in whole or in part credit risk premiums with respect to the loan that is the subject of the application. In no event shall the aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a direct loan or loan guarantee be less than the cost of that direct loan or loan guarantee.

''(2) CREDIT RISK PREMIUM AMOUNT.—The Secretary shall determine the amount required for credit risk premiums under this subsection on the basis of—

''(A) the circumstances of the applicant, including the amount of collateral offered;

''(B) the proposed schedule of loan disbursements;

''(C) historical data on the repayment history of similar borrowers;

''(D) consultation with the Congressional Budget Office; and

''(E) any other factors the Secretary considers relevant.

''(3) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to the Secretary before the disbursement of loan amounts.

''(4) COHORTS OF LOANS.—In order to maintain sufficient balances of credit risk premiums to adequately protect the Federal Government from risk of default, while minimizing the length of time the Government retains possession of those balances, the Secretary shall establish cohorts of loans. When all obligations attached to a cohort of loans have been satisfied, credit risk premiums paid for the cohort, and interest accrued thereon, which were not used to mitigate losses shall be returned to the original source on a pro rata basis.

''(g) PREREQUISITES FOR ASSISTANCE.—The Secretary shall not make a direct loan or loan guarantee under this section unless the Secretary has made a finding in writing that—

''(1) repayment of the obligation is required to be made within a term of not more than 25 years from the date of its execution;

''(2) the direct loan or loan guarantee is justified by the present and probable future demand for rail services or intermodal facilities;

''(3) the applicant has given reasonable assurances that the facilities or equipment to be acquired, rehabilitated, improved, developed, or established with the proceeds of the obligation will be economically and efficiently utilized;

''(4) the obligation can reasonably be repaid, using an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government; and

''(5) the purposes of the direct loan or loan guarantee are consistent with subsection (b).

''(h) CONDITIONS OF ASSISTANCE.—The Secretary shall, before granting assistance under this section, require the applicant to agree to such terms and conditions as are sufficient, in the judgment of the Secretary, to ensure that, as long as any principal or interest is due and payable on such obligation, the applicant, and any railroad or railroad partner for whose benefit the assistance is intended—

''(1) will not use any funds or assets from railroad or intermodal operations for purposes not related to such operations, if such use would impair the ability of the applicant, railroad, or railroad partner to provide rail or intermodal services in an efficient and economic manner, or would adversely affect the ability of the applicant, railroad, or railroad partner to perform any obligation entered into by the applicant under this section;

''(2) will, consistent with its capital resources, maintain its capital program, equipment, facilities, and operations on a continuing basis; and

''(3) will not make any discretionary dividend payments that unreasonably conflict with the purposes stated in subsection (b).

''SEC. 503. ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.

''(a) APPLICATIONS.—The Secretary shall prescribe the form and contents required of applications for assistance under section 502, to enable the Secretary to determine the eligibility of the applicant's proposal, and shall establish terms and conditions for direct loans and loan guarantees made under that section.

''(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee made under section 502 may assign the loan guarantee in whole or in part, subject to such requirements as the Secretary may prescribe.

''(d) MODIFICATIONS.—The Secretary may approve the modification of any term or condition of a direct loan, loan guarantee, direct loan obligation, or loan guarantee commitment, including the rate of interest, time of payment of interest or principal, or security requirements, if the Secretary finds in writing that—

''(1) the modification is equitable and is in the overall best interests of the United States; and

''(2) consent has been obtained from the applicant and, in the case of a loan guarantee or loan guarantee commitment, the holder of the obligation.

''(e) COMPLIANCE.—The Secretary shall assure compliance, by an applicant, any other party to the loan, and any railroad or railroad partner for whose benefit assistance is intended, with the provisions of this title, regulations issued hereunder, and the terms and conditions of the direct loan or loan guarantee, including through regular periodic inspections.

''(f) COMMERCIAL VALIDITY.—For purposes of claims by any party other than the Secretary, a loan guarantee or loan guarantee commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this title, and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder thereof, including the original lender or any other holder, as of the date when the Secretary granted the application therefor, except as to fraud or material misrepresentation by such holder.

''(g) DEFAULT.—The Secretary shall prescribe regulations setting forth procedures in the event of default on a loan made or guaranteed under section 502. The Secretary shall ensure that each loan guarantee made under that section contains terms and conditions that provide that—

''(1) if a payment of principal or interest under the loan is in default for more than 30 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, the amount of unpaid guaranteed interest;

''(2) if the default has continued for more than 90 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, 90 percent of the unpaid guaranteed principal;

''(3) after final resolution of the default, through liquidation or otherwise, the Secretary shall pay to the holder of the obligation, or the holder's agent, any remaining amounts guaranteed but which were not recovered through the default's resolution;

''(4) the Secretary shall not be required to make any payment under paragraphs (1) through (3) if the Secretary finds, before the expiration of the periods described in such paragraphs, that the default has been remedied; and

''(5) the holder of the obligation shall not receive payment or be entitled to retain payment in a total amount which, together with all other recoveries (including any recovery based upon a security interest in equipment or facilities) exceeds the actual loss of such holder.

''(h) RIGHTS OF THE SECRETARY.—

''(1) SUBROGATION.—If the Secretary makes payment to a holder, or a holder's agent, under subsection (g) in connection with a loan guarantee made under section 502, the Secretary shall be subrogated to all of the rights of the holder with respect to the obligor under the loan.

''(2) DISPOSITION OF PROPERTY.—The Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, rent, sell, or otherwise dispose of any property or other interests obtained pursuant to this section. The Secretary shall not be subject to any Federal or State regulatory requirements when carrying out this paragraph.

''(i) ACTION AGAINST OBLIGOR.—The Secretary may bring a civil action in an appropriate Federal court in the name of the United States in the event of a default on a direct loan made under section 502, or in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under section 502. The holder of a guarantee shall make available to the Secretary all records and evidence necessary to prosecute the civil action. The Secretary may accept property in full or partial satisfaction of any sums owed as a result of a default. If the Secretary receives, through the sale or other disposition of such property, an amount greater than the aggregate of—

''(1) the amount paid to the holder of a guarantee under subsection (g) of this section; and

''(2) any other cost to the United States of remedying the default,

the Secretary shall pay such excess to the obligor.

''(j) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in an appropriate Federal court to enjoin any activity which the Secretary finds is in violation of this title, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief.

''(k) ATTACHMENT.—No attachment or execution may be issued against the Secretary, or any property in the control of the Secretary, prior to the entry of final judgment to such effect in any State, Federal, or other court.

''(l) INVESTIGATION CHARGE.—The Secretary may charge and collect from each applicant a reasonable charge for appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings. Such charge shall not aggregate more than one-half of 1 percent of the principal amount of the obligation.'';

(2) by striking sections 505 through 515 (other than 511(c)), 517, and 518;

(3) in section 511(c) by striking ''this section'' and inserting ''section 502'';

(4) by moving subsection (c) of section 511 (as amended by paragraph (3) of this section) from section 511 to section 503 (as inserted by paragraph (1) of this section), inserting it after subsection (a), and redesignating it as subsection (b); and

(5) by redesignating section 516 as section 504.

(b) TECHNICAL AND CONFORMING PROVISIONS.—

(1) TABLE OF CONTENTS.—The table of contents of title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by striking the items relating to sections 502 through 518 and inserting the following:

''Sec. 502. Direct loans and loan guarantees.
''Sec. 503. Administration of direct loans and loan guarantees.
''Sec. 504. Employee protection.''.

(2) SAVINGS PROVISION.—A transaction entered into under the authority of title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) before the date of enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(3) REPEAL.—Section 211(i) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(i)) is repealed.

SEC. 7204. ALASKA RAILROAD.

(a) GRANTS.—The Secretary may make grants to the Alaska Railroad for capital rehabilitation of and improvements to its passenger services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,250,000 for each of fiscal years 1998 through 2003.

Subtitle C—Comprehensive One-Call Notification

SEC. 7301. FINDINGS.

Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power, and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate or untimely marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification systems that operate under such programs.

SEC. 7302. ONE-CALL NOTIFICATION PROGRAMS.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by adding at the end thereof the following:

''CHAPTER 61—ONE-CALL NOTIFICATION PROGRAMS

''Sec.
''6101. Purposes.
''6102. Definitions.
''6103. Minimum standards for State one-call notification programs.
''6104. Compliance with minimum standards.
''6105. Review of one-call system best practices.
''6106. Grants to States.
''6107. Authorization of appropriations.
''6108. Relationship to State laws.

''§ 6101. Purposes

''The purposes of this chapter are—

''(1) to enhance public safety;

''(2) to protect the environment;

''(3) to minimize risks to excavators; and

''(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the voluntary adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

''§ 6102. Definitions

''In this chapter, the following definitions apply:

''(1) ONE-CALL NOTIFICATION SYSTEM.—The term ''one-call notification system'' means a system operated by an organization that has as 1 of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

''(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term ''State one-call notification program'' means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

''(3) STATE.—The term 'State' means a State, the District of Columbia, and Puerto Rico.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''§ 6103. Minimum standards for State one-call notification programs

''(a) MINIMUM STANDARDS.—In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for—

''(1) appropriate participation by all underground facility operators;

''(2) appropriate participation by all excavators; and

''(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

''(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with—

''(1) damage to types of underground facilities; and

''(2) activities of types of excavators.

''(c) IMPLEMENTATION.—A State one-call notification program also shall, at a minimum, provide for—

''(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

''(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

''(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a de minimis risk to public safety or the environment.

''(d) PENALTIES.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for—

''(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

''(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or

for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system;

''(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

''(4) equitable relief; and

''(5) citation of violations.

''§ 6104. Compliance with minimum standards

''(a) REQUIREMENT.—In order to qualify for a grant under section 6106, each State shall submit to the Secretary a grant application under subsection (b). The State shall submit the application not later than 2 years after the date of enactment of this chapter.

''(b) APPLICATION.—

''(1) Upon application by a State, the Secretary shall review that State's one-call notification program, including the provisions for the implementation of the program and the record of compliance and enforcement under the program.

''(2) Based on the review under paragraph (1), the Secretary shall determine whether the State's one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

''(3) In order to expedite compliance under this section, the Secretary may consult with the State as to whether an existing State one-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

''(4) The Secretary shall prescribe the form and manner of filing an application under this section that shall provide sufficient information about a State's one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

''(5) The application of a State under paragraph (1) and the record of actions of the Secretary under this section shall be available to the public.

''(c) ALTERNATIVE PROGRAM.—A State is eligible to receive a grant under section 6106 if the State maintains an alternative one-call notification program that provides protection for public safety, excavators, and the environment that is equivalent to, or greater than, protection provided under a program that meets the minimum standards set forth in section 6103.

''(d) REPORT.—Within 3 years after the date of the enactment of this chapter, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

''(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

''(2) an analysis by the Secretary of the overall effectiveness of each State's one-call notification program and the one-call notification systems operating under such program in achieving the purposes of this chapter;

''(3) the impact of each State's decisions on the extent of required participation in one-call notification systems on prevention of damage to underground facilities; and

''(4) areas where improvements are needed in one-call notification systems in operation in each State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

''§ 6105. Review of one-call system best practices

''(a) STUDY OF EXISTING ONE-CALL SYSTEMS.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators, and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

''(b) PURPOSE OF STUDY OF DAMAGE PREVENTION PRACTICES.—The purpose of the study is to gather information in order to determine which existing one-call notification systems practices appear to be the most effective in protecting the public, excavators, and the environment and in preventing disruptions to public services and damage to underground facilities. As part of the study, the Secretary shall consider, at a minimum—

''(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

''(2) the methods by which one-call notification systems promote awareness of their programs, including use of public service announcements and educational materials and programs;

''(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

''(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

''(5) the effectiveness and accuracy of mapping used by one-call notification systems;

''(6) the relationship between one-call notification systems and preventing damage to underground facilities;

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

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

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

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

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

''(c) REPORT.—Within 1 year after the date of the enactment of this chapter, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

''(1) preventing damage to underground facilities; and

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

The Secretary shall encourage each State and operator of one-call notification programs to adopt and implement those practices identified in the report that the State determines are the most appropriate.

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

''§ 6106. Grants to States

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

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

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

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

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

''(5) public information and education;

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

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

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

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

''§ 6107. Authorization of appropriations

''(a) FOR GRANTS TO STATES.—There are authorized to be appropriated to the Secretary to provide grants to States under section 6106 $1,000,000 for fiscal year 2000 and $5,000,000 for fiscal year 2001. Such funds shall remain available until expended, .

''(b) FOR ADMINISTRATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out sections 6103, 6104, and 6105 for fiscal years 1999, 2000, and 2001.

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

''§ 6108. Relationship to State laws

''Nothing in this chapter preempts State law or shall impose a new requirement on any State or mandate revisions to a one-call system.''.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle III of such title is amended by adding at the end thereof the following:

''61. ONE-CALL NOTIFICATION PROGRAMS ..... 6101''.

Subtitle D—Sportfishing and Boating Safety

SEC. 7401. SHORT TITLE; AMENDMENT OF 1950 ACT.

(a) SHORT TITLE.—This subtitle may be cited as the ''Sportfishing and Boating Safety Act of 1998''.

(b) AMENDMENT OF 1950 ACT.—Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the 1950 Act, the reference shall be considered to be made to a section or other provision of the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,'' approved August 9, 1950 (16 U.S.C. 777 et seq.).

SEC. 7402. OUTREACH AND COMMUNICATIONS PROGRAMS.

(a) DEFINITIONS.—Section 2 of the 1950 Act (16 U.S.C. 777a) is amended—

(1) by indenting the left margin of so much of the text as precedes ''(a)'' by 2 ems;

(2) by inserting ''For purposes of this Act—'' after the section heading;

(3) by striking ''For the purpose of this Act the'' in the first paragraph and inserting ''(1) the'';

(4) by indenting the left margin of so much of the text as follows ''include—'' by 4 ems;

(5) by striking ''(a)'', ''(b)'', ''(c)'', and ''(d)'' and inserting ''(A)'', ''(B)'', ''(C)'', and ''(D)'', respectively;

(6) by striking ''department.'' and inserting ''department;''; and

(7) by adding at the end the following:

''(2) the term 'outreach and communications program' means a program to improve communications with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the Nation's aquatic resources, and to further safety in fishing and boating; and

''(3) the term 'aquatic resource education program' means a program designed to enhance the public's understanding of aquatic resources and sportfishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.''.

(b) FUNDING FOR OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4 of the 1950 Act (16 U.S.C. 777c) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

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

''(c) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Of the balance of each such annual appropriation remaining after making the distribution under subsections (a) and (b), respectively, an amount equal to—

''(1) $5,000,000 for fiscal year 1999;

''(2) $6,000,000 for fiscal year 2000;

''(3) $7,000,000 for fiscal year 2001;

''(4) $8,000,000 for fiscal year 2002; and

''(5) $10,000,000 for fiscal year 2003;

shall be used for the National Outreach and Communications Program under section 8(d). Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary of the Interior for that program may be expended by the Secretary under subsection (e).'';

(3) in subsection (d), as redesignated, by inserting '', for an outreach and communications program'' after ''Act'';

(4) in subsection (d), as redesignated, by striking ''subsections (a) and (b),'' and inserting ''subsections (a), (b), and (c),'';

(5) by adding at the end of subsection (d), as redesignated, the following: ''Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to $2,500,000 may be used for the National Outreach and Communications Program under section 8(d) in addition to the amount available for that program under subsection (c). No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register.''; and

(6) in subsection (e), as redesignated, by striking ''subsections (a), (b), and (c),'' and inserting ''subsections (a), (b), (c), and (d),''.

(c) INCREASE IN STATE ALLOCATION.—Section 8 of the 1950 Act (16 U.S.C. 777g) is amended—

(1) by striking ''12 ½ percentum'' each place it appears in subsection (b) and inserting ''15 percent'';

(2) by striking ''10 percentum'' in subsection (c) and inserting ''15 percent'';

(3) by inserting ''and communications'' in subsection (c) after ''outreach''; and

(4) by redesignating subsection (d) as subsection (f); and by inserting after subsection (c) the following:

''(d) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—

''(1) IMPLEMENTATION.—Within 1 year after the date of enactment of the Sportfishing and Boating Safety Act of 1998, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

''(2) CONTENT.—The plan shall provide—

''(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

''(B) for the establishment of a national program.

''(3) SECRETARY MAY MATCH OR FUND PROGRAMS.—Under the plan, the Secretary may obligate amounts available under subsection (c) or (d) of section 4 of this Act—

''(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach and communications program under the plan; or

''(B) to fund contracts with States or private entities to carry out such a program.

''(4) REVIEW.—The plan shall be reviewed periodically, but not less frequently than once every 3 years.

''(e) STATE OUTREACH AND COMMUNICATIONS PROGRAM.—Within 12 months after the completion of the national plan under subsection (d)(1), a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

''(1) review the national plan developed under subsection (d);

''(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

''(3) establish priorities for the State outreach and communications program proposed for implementation.''.

SEC. 7403. CLEAN VESSEL ACT FUNDING.

Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is amended to read as follows:

''(b) USE OF BALANCE AFTER DISTRIBUTION.—

''(1) FISCAL YEAR 1998.—In fiscal year 1998, an amount equal to $20,000,000 of the balance remaining after the distribution under subsection (a) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a)(1) of title 46, United States Code.

''(2) FISCAL YEAR 1999.—For fiscal year 1999, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $74,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

''(A) $10,000,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(B) The balance remaining after the application of subparagraph (A) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(3) FISCAL YEARS 2000–2003.—For each of fiscal years 2000 through 2003, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $82,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

''(A) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

''(B) $8,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 6404(d) of the Sportfishing and Boating Safety Act of 1998.

''(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred for each such fiscal year to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

''(4) TRANSFER OF CERTAIN FUNDS.—Amounts available under subparagraph (A) of paragraph (2) and subparagraphs (A) and (B) of paragraph (3) that are unobligated by the Secretary of the Interior after 3 fiscal years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.''.

SEC. 7404. BOATING INFRASTRUCTURE.

(a) PURPOSE.—The purpose of this section is to provide funds to States for the development and maintenance of facilities for transient nontrailerable recreational vessels.

(b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C. 777g), as amended by section 6402, is amended by adding at the end thereof the following:

''(g) SURVEYS.—

''(1) NATIONAL FRAMEWORK.—Within 6 months after the date of enactment of the Sportfishing and Boating Safety Act of 1998, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

''(2) STATE SURVEYS.—Within 18 months after such date of enactment, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

''(3) EXCEPTION.—Paragraph (2) does not apply to a State if, within 18 months after such date of enactment, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

''(4) FUNDING.—A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.''.

(c) PLAN.—Within 6 months after submitting a survey to the Secretary under section 8(g) of the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,'' approved August 9, 1950 (16 U.S.C. 777g(g)), as added by subsection (b) of this section, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of facilities for transient nontrailerable recreational vessels, and access to those facilities, to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate amounts made available under section 4(b)(3)(B) of the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,'' approved August 9, 1950, as amended by this Act, to make grants to any State to pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining facilities for transient nontrailerable recreational vessels.

(2) PRIORITIES.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) DEFINITIONS.—For purposes of this section, the term—

(1) ''nontrailerable recreational vessel'' means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) ''facilities for transient nontrailerable recreational vessels'' includes mooring buoys, daydocks, navigational aids, seasonal slips, safe harbors, or similar structures located on navigable waters, that are available to the general public (as determined by the Secretary of the Interior) and designed for temporary use by nontrailerable recreational vessels; and

(3) ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 7405. BOAT SAFETY FUNDS.

(a) AVAILABILITY OF ALLOCATIONS.—Section 13104(a) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking ''3 years'' and inserting ''2 years''; and

(2) in paragraph (2), by striking ''3-year'' and inserting ''2-year''.

(b) EXPENDITURES.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following: ''Subject to paragraph (2) and subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)).'';

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

(3) by striking subsection (c) and inserting the following:

''(c) Of the amount transferred for each fiscal year to the Secretary of Transportation under paragraphs (2) and (3) of section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), $5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title, of which $2,000,000 shall be available to the Secretary only to ensure compliance with chapter 43 of this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 13106 of title 46, United States Code, is amended to read as follows:

''§ 13106. Authorization of appropriations''.

(2) The chapter analysis for chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13106 and inserting the following:

''13106. Authorization of appropriations.''.

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE AND BUDGET OFFSETS

Subtitle A—Transportation Discretionary Spending Guarantee

SEC. 8101. DISCRETIONARY SPENDING CATEGORIES.

(a) ESTABLISHMENT OF SEPARATE CATEGORIES.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) FY1999.—In paragraph (3), strike ''and'' at the end of subparagraph (B) and after subparagraph (C) add the following new subparagraphs:

''(D) for the highway category: $21,885,000,000 in outlays; and

''(E) for the mass transit category: $4,401,000,000 in outlays.

(2) FY2000.—In paragraph (4), strike ''and'' at the end of subparagraph (A) and at the end add the following new subparagraphs:

''(C) for the highway category: $24,436,000,000 in outlays; and

''(D) for the mass transit category: $4,761,000,000 in outlays;''.

(3) FY2001.—In paragraph (5), strike the comma and insert ''—'' after ''2001'', insert ''(A)'' before ''for'' and indent the new subparagraph and move it 2 ems to the right, strike ''and'' at the end of such subparagraph, and at the end add the following new subparagraphs:

''(B) for the highway category: $26,204,000,000 in outlays; and

''(C) for the mass transit category: $5,190,000,000 in outlays;''.

(4) FY2002.—In paragraph (6), strike the comma and insert ''—'' after ''2002'', insert ''(A)'' before ''for'', indent the new subparagraph and move it 2 ems to the right, and add at the end the following new subparagraphs:

''(B) for the highway category: $26,977,000,000 in outlays; and

''(C) for the mass transit category: $5,709,000,000 in outlays; and''.

(5) FY2003.—After paragraph (6), add the following new paragraph:

''(7) with respect to fiscal year 2003—

''(A) for the highway category: $27,728,000,000 in outlays; and

''(B) for the mass transit category: $6,256,000,000 in outlays;''.

(b) OFFSETTING ADJUSTMENT IN DISCRETIONARY SPENDING LIMITS.—

(1) ADJUSTMENT OF NONDEFENSE CATEGORY FOR FY1999.—The discretionary spending limit set forth in section 251(c)(3)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $25,173,000,000 in outlays.

(2) ADJUSTMENT OF DISCRETIONARY CATEGORY FOR FY2000.—The discretionary spending limit set forth in section 251(c)(4)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,045,000,000 in outlays.

(3) ADJUSTMENT OF DISCRETIONARY SPENDING LIMIT FOR FY2001.—The discretionary spending limit set forth in section 251(c)(5)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,329,000,000 in outlays.

(4) ADJUSTMENT OF DISCRETIONARY SPENDING LIMIT FOR FY2002.—The discretionary spending limit set forth in section 251(c)(6)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted in conformance with section 251(b) of that Act, is reduced by $859,000,000 in new budget authority and $26,675,000,000 in outlays.

(c) DEFINITIONS OF HIGHWAY CATEGORY AND MASS TRANSIT CATEGORY.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting ''(A)'' after ''(4)'' and by adding at the end the following new subparagraphs:

''(B) The term 'highway category' refers to the following budget accounts or portions thereof that are subject to the obligation limitations on contract authority set forth in the Transportation Equity Act for the 21st Century:

''(i) 69–8083–0–7–401 (Federal-Aid Highways).

''(ii) 69–8020–0–7–401 (Highway Traffic Safety Grants).

''(iii) 69–8048–0–7–401 (National Motor Carrier Safety Program).

''(iv) 69–8016–0–7–401 (Operations and Research NHTSA).

''(C) The term 'mass transit category' refers to the following budget accounts or portions thereof that are subject to the obligation limitations on contract authority provided in the Transportation Equity Act for the 21st Century and for which appropriations are provided pursuant to authorizations contained in that Act (except that appropriations provided pursuant to section 5338(h) of title 49, United States Code, as amended by this section, shall not be included in this category):

''(i) 69–8191–0–7–401 (Mass Transit Capital Fund).

''(ii) 69–8350–0–7–401 (Trust Fund Share of Expenses).

''(iii) 69–1129–0–1–401 (Formula Grants).

''(iv) 69–1120–0–1–401 (Administrative expenses).

''(v) 69–1136–0–1–401 (University Transportation Centers).

''(vi) 69–1137–0–1–401 (Transit Planning and Research).

''(D) SPECIAL RULE.—(i) Any outlays in excess of the discretionary spending limit set forth in section 251(c) for the highway or mass transit category, as adjusted, for the budget year shall be considered nondefense category outlays or discretionary category outlays.

''(ii) If the obligation limitations for accounts in the highway or mass transit category provided in an appropriation Act for a fiscal year exceed the obligation limitations set forth in section 8103 of the Transportation Equity Act for the 21st Century for that year, as adjusted, the estimated outlays flowing for each outyear from such excess obligations calculated pursuant to clause (iii) shall be attributed to the discretionary category in that outyear.

''(iii) For purposes of clause (ii), outlays from excess obligations shall be determined using the average of the spendout rates for that category in the baseline.''.

(d) ADJUSTMENT TO HIGHWAY AND MASS TRANSIT CATEGORIES.—Section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by—

(1) striking ''When'' and inserting:

''(A) CONCEPTS AND DEFINITIONS.—When''; and

(2) adding at the end the following:

''(B) ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—(i) When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall include adjustments to the highway category for the budget year and each outyear as provided in clause (ii)(I)(cc).

''(ii)(I)(aa) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in subclause (II) plus any amount previously calculated under item (bb) for that year.

''(bb) OMB shall take the current estimate of highway receipts for the budget year and subtract the estimated level of receipts for that year.

''(cc) OMB shall take the sum of the amounts calculated under items (aa) and (bb), add that sum to the amount of obligations set forth in section 8103 of the Transportation Equity Act for the 21st Century for the highway category

for the budget year, and calculate the outlay change resulting from that change in obligations relative to that amount for the budget year and each outyear using current estimates. After making the calculation under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year by adding the sum of the amounts calculated under items (aa) and (bb).

''(II) The estimated level of highway receipts for the purposes of this clause are—

''(aa) for fiscal year 1998, $22,164,000,000;

''(bb) for fiscal year 1999, $32,619,000,000;

''(cc) for fiscal year 2000, $28,066,000,000;

''(dd) for fiscal year 2001, $28,506,000,000;

''(ee) for fiscal year 2002, $28,972,000,000; and

''(ff) for fiscal year 2003, $29,471,000,000.

''(III) In this clause, the term 'highway receipts' means the governmental receipts credited to the highway account of the Highway Trust Fund.

''(C)(i) In addition to the adjustment required by subparagraph (B), when the President submits the budget under section 1105 of title 31, United States Code, for fiscal years 2000, 2001, 2002, or 2003, OMB shall calculate and the budget shall include for the budget year and each outyear an adjustment to the limits on outlays for the highway category and the mass transit category equal to—

''(I) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (D), as adjusted, using current technical assumptions; minus

''(II) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

''(ii) The adjustment made pursuant to clause (i) in the fiscal years 2002 and 2003 budget submissions of the President under section 1105(a) of title 31, United States Code, shall not exceed 4 percent plus cumulative carryovers. In this clause, the term 'cumulative carryovers' means the total of each amount by which outlays for the highway and mass transit category for any fiscal year are less than the outlay limit for that category, as adjusted, for that year less any amount of carryover used in the previous year.

''(D)(i) When OMB and CBO submit their final sequester report for fiscal year 1999, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2000 through 2003 from obligations at the levels specified in section 8103 of the Transportation Equity Act for the 21st Century using current assumptions.

''(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal years 2000, 2001, 2002, or 2003, OMB shall adjust the estimates made in clause (i) by the adjustments by subparagraphs (B) and (C).

''(E) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.''.

(e) ENFORCEMENT OF GUARANTEE.—Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''9. It shall not be in order to consider any bill or joint resolution, or any amendment thereto or conference report thereon, that would cause obligation limitations to be below the level for any fiscal year set forth in section 8103 of the Transportation Equity Act for the 21st Century, as adjusted, for the highway category or the mass transit category, as applicable.''.

SEC. 8102. CONFORMING THE PAYGO SCORECARD WITH THIS ACT.

Upon the enactment of this Act, the Director of the Office of Management and Budget shall not make any estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 of changes in direct spending outlays and receipts for any fiscal year resulting from this title.

SEC. 8103. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category is—

(1) for fiscal year 1999, $25,883,000,000;

(2) for fiscal year 2000, $26,629,000,000;

(3) for fiscal year 2001, $27,158,000,000;

(4) for fiscal year 2002, $27,767,000,000; and

(5) for fiscal year 2003, $28,233,000,000.

(b) MASS TRANSIT CATEGORY.—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

(1) for fiscal year 1999, $5,365,000,000;

(2) for fiscal year 2000, $5,797,000,000;

(3) for fiscal year 2001, $6,271,000,000;

(4) for fiscal year 2002, $6,747,000,000; and

(5) for fiscal year 2003, $7,226,000,000.

For purposes of this subsection, the term ''obligation limitations'' means the sum of budget authority and obligation limitations.

Subtitle B—Veterans' Benefits

SEC. 8201. SHORT TITLE.

This subtitle may be cited as the ''Veterans Benefits Act of 1998''.

SEC. 8202. PROHIBITION ON ESTABLISHMENT OF SERVICE-CONNECTION FOR DISABILITIES RELATING TO USE OF TOBACCO PRODUCTS.

(a) WARTIME DISABILITY COMPENSATION.—Section 1110 of title 38, United States Code, is amended by striking out ''or abuse of alcohol or drugs'' and inserting in lieu thereof '', abuse of alcohol or drugs, or use of tobacco products''.

(b) PEACETIME DISABILITY COMPENSATION.—Section 1131 of such title is amended by striking out ''or abuse of alcohol or drugs'' and inserting in lieu thereof '', abuse of alcohol or drugs, or use of tobacco products''.

(c) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to any claims for compensation received by the Secretary of Veterans Affairs before, on, or after the date of enactment of this Act.

(2) The amendments made by this section shall not apply in the case of any such claims adjudicated by the Secretary before such date of enactment for which a service-connection was established for a disability on the basis of the use of tobacco products.

SEC. 8203. TWENTY PERCENT INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—

(1) INCREASE IN RATES.—Section 3015 of title 38, United States Code, is amended—

(A) in subsection (a)(1), by striking out ''$400'' and inserting in lieu thereof ''$528 (as increased from time to time under subsection (g))''; and

(B) in subsection (b)(1), by striking out ''$325'' and inserting in lieu thereof ''$429 (as increased from time to time under subsection (g))''.

(2) CPI ADJUSTMENT.—Subsection (g) of such section is amended by striking out ''beginning on or after October 1, 1994'' and all that follows through ''such rates'' and inserting in lieu thereof '', the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsections (a)(1) and (b)(1)''.

(3) TECHNICAL AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by striking out ''subsections (b), (c), (d), (e), (f), and (g) of'' in the matter preceding paragraph (1); and

(B) in subsection (b)—

(i) by striking out ''Except as provided in subsections (c), (d), (e), (f), and (g), in'' and inserting in lieu thereof ''In''; and

(ii) by inserting ''(except as provided in the succeeding subsections of this section)'' after ''under this chapter shall''.

(4) EFFECTIVE DATES.—The amendments made by this subsection shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998. However, no adjustment in rates of educational assistance shall be made under subsection (g) of section 3015 of title 38, United States Code, as amended by paragraph (2), for fiscal year 1999.

(b) SELECTED RESERVE EDUCATIONAL ASSISTANCE.—

(1) INCREASE IN RATES.—Paragraph (1) of section 16131(b) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking out ''$190'' and inserting in lieu thereof ''$251 (as increased from time to time under paragraph (2))'';

(B) in subparagraph (B), by striking out ''$143'' and inserting in lieu thereof ''$188 (as increased from time to time under paragraph (2))''; and

(C) in subparagraph (C), by striking out ''$95'' and inserting in lieu thereof ''$125 (as increased from time to time under paragraph (2))''.

(2) CPI ADJUSTMENT.—Paragraph (2) of such section is amended by striking out ''beginning on or after October 1, 1994'' and all that follows through ''such rates'' and inserting in lieu thereof '', the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subparagraphs (A), (B), and (C) of paragraph (1)''.

(3) TECHNICAL AMENDMENT.—Paragraph (1) of such section is further amended by striking out ''in paragraph (2) and''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998. However, no adjustment in rates of educational assistance shall be made under paragraph (2) of section 16131(b) of title 10, United States Code, as amended by paragraph (2), for fiscal year 1999.

SEC. 8204. INCREASE IN ASSISTANCE AMOUNT FOR SPECIALLY ADAPTED HOUSING.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking out ''$38,000'' and inserting in lieu thereof ''$43,000''; and

(2) in subsection (b)(2), by striking out ''$6,500'' and inserting in lieu thereof ''$8,250''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to limitations under section 2102 of such title on assistance furnished to a veteran under section 2101 of such title on or after October 1, 1998.

SEC. 8205. INCREASE IN AMOUNT OF ASSISTANCE FOR AUTOMOBILE AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Section 3902(a) of title 38, United States Code, is amended by striking out ''$5,500'' and inserting in lieu thereof ''$8,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to assistance furnished under section 3902 of such title on or after October 1, 1998.

SEC. 8206. INCREASE IN AID AND ATTENDANCE RATES FOR VETERANS ELIGIBLE FOR PENSION.

Effective October 1, 1998, the maximum annual rates of pension in effect as of September 30, 1998, under the following provisions of chapter 15 of title 38, United States Code, are increased by $600:

(1) Subsections (d)(1), (d)(2), (f)(2), and (f)(4) of section 1521.

(2) Section 1536(d)(2).

SEC. 8207. ELIGIBILITY OF CERTAIN REMARRIED SURVIVING SPOUSES FOR REINSTATEMENT OF DEPENDENCY AND INDEMNITY COMPENSATION UPON TERMINATION OF THAT REMARRIAGE.

(a) RESTORATION OF PRIOR ELIGIBILITY.—Section 1311 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of dependency and indemnity compensation to such person as the surviving spouse of the veteran if the remarriage is terminated by death, divorce, or annulment unless the Secretary determines that the divorce or annulment was secured through fraud or collusion.

''(2) If the surviving spouse of a veteran ceases living with another person and holding himself or herself out openly to the public as that person's spouse, the bar to granting that person dependency and indemnity compensation as the surviving spouse of the veteran shall not apply.

''(3) The first month of eligibility for payment of dependency and indemnity compensation to a surviving spouse by reason of this subsection shall be the later of the month after—

''(A) the month of the termination of such remarriage, in the case of a surviving spouse described in paragraph (1); or

''(B) the month of the cessation described in paragraph (2), in the case of a surviving spouse described in that paragraph.''.

(b) EFFECTIVE DATE.—No payment may be made by reason of section 1311(e) of title 38, United States Code, as added by subsection (a), for any month before October 1998.

SEC. 8208. EXTENSION OF PRIOR REVISION TO OFFSET RULE FOR DEPARTMENT OF DEFENSE SPECIAL SEPARATION BENEFIT PROGRAM.

The amendment made by section 653 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2583) to subsection (h)(2) of section 1174 of title 10, United States Code, shall apply to any payment of separation pay under the special separation benefits program under section 1174a of that title that was made during the period beginning on December 5, 1991, and ending on September 30, 1996.

SEC. 8209. SENSE OF CONGRESS CONCERNING RECOVERY FROM TOBACCO COMPANIES OF COSTS OF TREATMENT OF VETERANS FOR TOBACCO-RELATED ILLNESSES.

It is the sense of the Congress—

(1) that the Attorney General or the Secretary of Veterans Affairs, as appropriate, should take all steps necessary to recover from tobacco companies amounts corresponding to the costs which would be incurred by the Department of Veterans Affairs for treatment of tobacco-related illnesses of veterans, if such treatment were authorized by law; and

(2) that the Congress should authorize by law the treatment of tobacco-related illnesses of veterans upon the recovery of such amounts.

Subtitle C—Temporary Student Loan Provision.

SEC. 8301. TEMPORARY STUDENT LOAN PROVISION.

(a) FFEL INTEREST RATES.—

(1) AMENDMENT.—Section 427A of the Higher Education Act of 1965 (20 U.S.C. 1077a) is amended—

(A) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(B) by inserting after subsection (i) the following new subsection:

''(j) INTEREST RATES FOR NEW LOANS BETWEEN JULY 1, 1998 AND OCTOBER 1, 1998.—

''(1) IN GENERAL.—Notwithstanding subsection (h), but subject to paragraph (2), with respect to any loan made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

''(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

''(B) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

''(2) IN SCHOOL AND GRACE PERIOD RULES.—Notwithstanding subsection (h), with respect to any loan under this part (other than a loan made pursuant to section 428B or 428C) for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest for interest which accrues—

''(A) prior to the beginning of the repayment period of the loan; or

''(B) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall be determined under paragraph (1) by substituting '1.7 percent' for '2.3 percent'.

''(3) PLUS LOANS.—Notwithstanding subsection (h), with respect to any loan under section 428B for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to the lesser of—

''(A)(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

''(ii) 3.1 percent; or

''(B) 9.0 percent.

''(4) CONSULTATION.—The Secretary shall determine the applicable rate of interest under this subsection after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.''.

(2) CONFORMING AMENDMENT.—Section 428B(d)(4) (20 U.S.C. 1078–2(d)(4)) is amended by striking ''section 427A(c)'' and inserting ''section 427A for loans made under this section''.

(b) SPECIAL ALLOWANCES.—

(1) AMENDMENT.—Section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) is amended by adding at the end the following new subparagraph:

''(G) LOANS DISBURSED BETWEEN JULY 1, 1998, AND OCTOBER 1, 1998.—

''(i) IN GENERAL.—Subject to paragraph (4) and clauses (ii), (iii), and (iv) of this subparagraph, and except as provided in subparagraph (B), the special allowance paid pursuant to this subsection on loans for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, shall be computed—

''(I) by determining the average of the bond equivalent rates of 91-day Treasury bills auctioned for such 3-month period;

''(II) by subtracting the applicable interest rates on such loans from such average bond equivalent rate;

''(III) by adding 2.8 percent to the resultant percent; and

''(IV) by dividing the resultant percent by 4.

''(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, and for which the applicable rate of interest is described in section 427A(j)(2), clause (i)(III) of this subparagraph shall be applied by substituting '2.2 percent' for '2.8 percent'.

''(iii) PLUS LOANS.—In the case of any loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, and for which the applicable rate of interest is described in section 427A(j)(3), clause (i)(III) of this subparagraph shall be applied by substituting '3.1 percent' for '2.8 percent', subject to clause (v) of this subparagraph.

''(iv) CONSOLIDATION LOANS.—This subparagraph shall not apply in the case of any consolidation loan.

''(v) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS LOANS.—In the case of PLUS loans made under section 428B and disbursed on or after July 1, 1998, and before October 1, 1998, for which the interest rate is determined under 427A(j)(3), a special allowance shall not be paid for such loan for such unless the rate determined under subparagraph (A) of such section (without regard to subparagraph (B) of such section) exceeds 9.0 percent.''.

(2) CONFORMING AMENDMENTS.—Section 438(b)(2) of such Act is further amended—

(A) in subparagraph (A), by striking ''(E), and (F)'' and inserting ''(E), (F), and (G)'';

(B) in subparagraph (B)(iv), by striking ''(E), or (F)'' and inserting ''(E), (F), or (G)''; and

(C) in subparagraph (C)(ii), by striking ''In the case'' and inserting ''Subject to subparagraph (G), in the case''.

(c) DIRECT LOAN INTEREST RATES.—Section 455(b) (20 U.S.C. 1087e(b)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) TEMPORARY INTEREST RATE PROVISION.—

''(A) RATES FOR FDSL AND FDUSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

''(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

''(ii) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

''(B) IN SCHOOL AND GRACE PERIOD RULES.—Notwithstanding the preceding paragraphs of this subsection, with respect to any Federal Direct Stafford Loan or Federal Direct Unsubsidized Stafford Loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest for interest which accrues—

''(i) prior to the beginning of the repayment period of the loan; or

''(ii) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall be determined under subparagraph (A) by substituting '1.7 percent' for '2.3 percent'.

''(C) PLUS LOANS.—Notwithstanding the preceding paragraphs of this subsection, with respect to Federal Direct PLUS Loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall be determined under subparagraph (A)—

''(i) by substituting '3.1 percent' for '2.3 percent'; and

''(ii) by substituting '9.0 percent' for '8.25 percent'.''.

Subtitle D—Block Grants for Social Services

SEC. 8401. BLOCK GRANTS FOR SOCIAL SERVICES.

(a) REDUCTION OF GRANTS.—Section 2003(c) of the Social Security Act (42 U.S.C. 1397b(c)) is amended by striking paragraphs (7) and (8) and inserting the following:

''(7) $2,380,000,000 for the fiscal year 1997;

''(8) $2,380,000,000 for the fiscal year 1998;

''(9) $2,380,000,000 for the fiscal year 1999;

''(10) $2,380,000,000 for the fiscal year 2000; and

''(11) $1,700,000,000 for the fiscal year 2001 and each fiscal year thereafter.''.

(b) LIMITATION ON AMOUNT OF TANF FUNDS TRANSFERABLE.—Section 404(d)(2) of the Social Security Act (42 U.S.C. 604(d)(2)) is amended to read as follows:

''(2) LIMITATION ON AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—

''(A) IN GENERAL.—A State may use not more than the applicable percent of the amount of any grant made to the State under section 403(a) for a fiscal year to carry out State programs pursuant to title XX.

''(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the applicable percent is 4.25 percent in the case of fiscal year 2001 and each succeeding fiscal year.''.

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

TITLE IX—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

SEC. 901. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''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. 902. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES.—

(1) IN GENERAL.—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 of tax on heavy trucks and trailers).

(E) Section 4071(d) (relating to termination of tax on tires).

(F) Section 4081(d)(1) (relating to termination of tax on gasoline, diesel fuel, and kerosene).

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

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

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

(2) OTHER PROVISIONS.—

(A) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) (relating to floor stocks refunds) is amended—

(i) by striking ''1999'' each place it appears and inserting ''2005'', and

(ii) by striking ''2000'' each place it appears and inserting ''2006''.

(B) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Section 6156(e)(2) (relating to installment payments of highway use tax on use of highway motor vehicles) is amended by striking ''1999'' and inserting ''2005''.

(b) EXTENSION OF CERTAIN EXEMPTIONS.—The following provisions are each amended by striking ''1999'' and inserting ''2005'':

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

(2) Section 4483(g) (relating to termination of exemptions for highway use tax).

(c) EXTENSION OF DEPOSITS INTO, AND CERTAIN TRANSFERS FROM, TRUST FUND.—

(1) IN GENERAL.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 (relating to the Highway Trust Fund) are each amended—

(A) by striking ''1999'' each place it appears and inserting ''2005'', and

(B) by striking ''2000'' each place it appears and inserting ''2006''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (4)(A)(i) and (5)(A) of section 9503(c) are each amended by striking ''1998'' and inserting ''2005''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–11(b)) is amended—

(i) by striking ''1997'' and inserting ''2003'', and

(ii) by striking ''1998'' each place it appears and inserting ''2004''.

(3) CONFORMING AMENDMENT.—The heading for paragraph (3) of section 9503(c) is amended to read as follows:

''(3) FLOOR STOCKS REFUNDS.—''.

(d) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUND.—

(1) HIGHWAY ACCOUNT.—

(A) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (1) of section 9503(c) is amended by striking ''1998'' and inserting ''2003''.

(B) EXPANSION OF PURPOSES.—Paragraph (1) of section 9503(c) is amended—

(i) by striking ''or'' at the end of subparagraph (C), and

(ii) by striking ''1991.'' in subparagraph (D) and all that follows through the end of paragraph (1) and inserting ''1991, or

''(E) authorized to be paid out of the Highway Trust Fund under the Transportation Equity Act for the 21st Century.

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 enactment of the Transportation Equity Act for the 21st Century.''.

(2) MASS TRANSIT ACCOUNT.—

(A) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (3) of section 9503(e) is amended by striking ''1998'' and inserting ''2003''.

(B) EXPANSION OF PURPOSES.—Paragraph (3) of section 9503(e) is amended—

(i) by striking ''or'' at the end of subparagraph (A),

(ii) by adding ''or'' at the end of subparagraph (B), and

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

''(C) the Transportation Equity Act for the 21st Century,

as such section and Acts are in effect on the date of enactment of the Transportation Equity Act for the 21st Century.''.

(e) TECHNICAL CORRECTION RELATING TO TRANSFERS TO MASS TRANSIT ACCOUNT.—

(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.

(f) CLERICAL AMENDMENTS.—

(1) Paragraph (1) of section 9503(b) is amended by striking subparagraph (C), by striking ''and tread rubber'' in subparagraph (D), and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) Clause (i) of section 9503(c)(2)(A) is amended by adding ''and'' at the end of subclause (II), by striking subclause (III), and by redesignating subclause (IV) as subclause (III).

(3) Clause (ii) of section 9503(c)(2)(A) is amended by striking ''gasoline, special fuels, and lubricating oil'' each place it appears and inserting ''fuel''.

SEC. 903. EXTENSION AND MODIFICATION OF TAX BENEFITS FOR ALCOHOL FUELS.

(a) EXTENSION OF TAX BENEFITS.—

(1) EXTENSION.—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 of reduction in tax for qualified methanol and ethanol fuel).

(B) Section 4041(k)(3) (relating to termination of rates relating to fuels containing alcohol).

(C) Section 4081(c)(8) (relating to termination of special rate for taxable fuels mixed with alcohol).

(D) Section 4091(c)(5) (relating to termination of reduced rate of tax for aviation fuel in alcohol mixture, etc.).

(2) EXTENSION OF REFUND AUTHORITY.—Paragraph (4) of section 6427(f) (relating to refund for gasoline, diesel fuel, and aviation fuel used to produce certain alcohol fuels), as amended by the Taxpayer Relief Act of 1997, is amended by striking ''1999'' and inserting ''2007''.

(3) CREDIT FOR ALCOHOL USED AS A FUEL.—Paragraph (1) of section 40(e) (relating to termination of credit for alcohol used as a fuel) is amended—

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

(B) by striking ''January 1, 2001'' and inserting ''January 1, 2008''.

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

(b) MODIFICATION.—

(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)(1)(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)(C)) 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.

SEC. 904. MODIFICATIONS TO HIGHWAY TRUST FUND.

(a) DETERMINATION OF TRUST FUND BALANCES AFTER SEPTEMBER 30, 1998.—

(1) IN GENERAL.—Section 9503 (relating to Highway Trust Fund) is amended by adding at the end the following new subsection:

''(f) DETERMINATION OF TRUST FUND BALANCES AFTER SEPTEMBER 30, 1998.—For purposes of determining the balances of the Highway Trust Fund and the Mass Transit Account after September 30, 1998—

''(1) the opening balance of the Highway Trust Fund (other than the Mass Transit Account) on October 1, 1998, shall be $8,000,000,000, and

''(2) no interest accruing after September 30, 1998, on any obligation held by such Fund shall be credited to such Fund.

The Secretary shall cancel obligations held by the Highway Trust Fund to reflect the reduction in the balance under this subsection.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1998.

(b) REPEAL OF LIMITATION ON EXPENDITURES ADDED BY TAXPAYER RELIEF ACT OF 1997.—

(1) IN GENERAL.—Subsection (c) of section 9503 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

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

(c) LIMITATION ON EXPENDITURE AUTHORITY.—Subsection (b) of section 9503 (relating to transfers to Highway Trust Fund) is amended by adding at the end the following new paragraph:

''(6) LIMITATION ON TRANSFERS TO HIGHWAY TRUST FUND.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no amount may be appropriated to the Highway Trust Fund on and after the date of any expenditure from the Highway Trust Fund which is not permitted by this section. 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 or 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) before October 1, 2003, in accordance with the provisions of this section.''.

(d) MODIFICATION OF MASS TRANSIT ACCOUNT RULES ON ADJUSTMENTS OF APPORTIONMENTS.—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.''.

SEC. 905. PROVISIONS RELATING TO AQUATIC RESOURCES TRUST FUND.

(a) INCREASED TRANSFERS.—

(1) Subparagraph (D) of section 9503(b)(4), as amended by section 911, is amended by striking ''exceeds 11.5 cents per gallon,'' and inserting ''exceeds—

''(i) 11.5 cents per gallon with respect to taxes imposed before October 1, 2001,

''(ii) 13 cents per gallon with respect to taxes imposed after September 30, 2001, and before October 1, 2003, and

''(iii) 13.5 cents per gallon with respect to taxes imposed after September 30, 2003, and before October 1, 2005,''.

(2) Clause (ii) of section 9503(c)(4)(A) is amended 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.''

(b) EXPANSION OF EXPENDITURE AUTHORITY FROM BOAT SAFETY ACCOUNT.—Section 9504(b)(2) (relating to expenditures from Sport Fish Restoration Account) is amended—

(1) in subparagraph (A) by striking ''October 1, 1988), and'' and inserting ''the date of the enactment of the Transportation Equity Act for the 21st Century),'',

(2) in subparagraph (B) by striking ''November 29, 1990'' and inserting ''the date of the enactment of the Transportation Equity Act for the 21st Century'', and

(3) by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) to carry out the purposes of section 7404(d) of the Transportation Equity Act for the 21st Century (as in effect on the date of the enactment of such Act), and''.

(c) EXTENSION AND EXPANSION OF EXPENDITURE AUTHORITY FROM BOAT SAFETY ACCOUNT.—Section 9504(c) (relating to expenditures from Boat Safety Account) is amended—

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

(2) by striking ''October 1, 1988'' and inserting ''the date of enactment of the Transportation Equity Act for the 21st Century''.

(d) LIMITATION ON EXPENDITURE AUTHORITY.—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 TRANSFERS TO AQUATIC RESOURCES TRUST FUND.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or paid to any Account in the Aquatic Resources Trust Fund on and after the date of any expenditure from any such Account which is not permitted by this section. 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 or 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.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.''.

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

SEC. 906. 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 ''November 1, 1998'', and

(2) in subclause (III), by striking ''September 30, 1999'' and inserting ''October 31, 1998''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

(A) in clause (ii), by striking ''October 1, 1999'' and inserting ''November 1, 1998'', and

(B) in clause (iii), by striking ''September 30, 1999'' and inserting ''October 31, 1998''.

(2) Section 6427(l)(3)(B) is amended—

(A) in clause (ii), by striking ''October 1, 1999'' and inserting ''November 1, 1998'', and

(B) in clause (iii), by striking ''September 30, 1999'' and inserting ''October 31, 1998''.

SEC. 907. ADDITIONAL QUALIFIED EXPENSES AVAILABLE TO NONAMTRAK STATES.

(a) IN GENERAL.—Section 977(e)(1)(B) of the Taxpayer Relief Act of 1997 (defining qualified expenses) is amended—

(1) by striking ''and'' at the end of clause (iii), and

(2) by striking clause (iv) and inserting the following:

''(iv) capital expenditures related to State-owned rail operations in the State,

''(v) any project that is eligible to receive funding under section 5309, 5310, or 5311 of title 49, United States Code,

''(vi) any project that is eligible to receive funding under section 103, 130, 133, 144, 149, or 152 of title 23, United States Code,

''(vii) the upgrading and maintenance of intercity primary and rural air service facilities, and the purchase of intercity air service between primary and rural airports and regional hubs,

''(viii) the provision of passenger ferryboat service within the State,

''(ix) the provision of harbor improvements within the State, and

''(x) the payment of interest and principal on obligations incurred for such acquisition, upgrading, maintenance, purchase, expenditures, provision, and projects.''

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 977 of the Taxpayer Relief Act of 1997.

SEC. 908. 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.''.

SEC. 909. SIMPLIFIED FUEL TAX REFUND PROCEDURES.

(a) IN GENERAL.—Subparagraph (A) of section 6427(i)(2) is amended to read as follows:

''(A) IN GENERAL.—If, at the close of any quarter of the taxable year of any person, at least $750 is payable in the aggregate under subsections (a), (b), (d), (h), (l), and (q) of this section and section 6421 to such person with respect to fuel used during—

''(i) such quarter, or

''(ii) any prior quarter (for which no other claim has been filed) during such taxable year, a claim may be filed under this section with respect to such fuel.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (i) of section 6427 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(2) Paragraph (2) of section 6427(k) is amended to read as follows:

''(2) EXCEPTION.—Paragraph (1) shall not apply to a payment of a claim filed under paragraph (2), (3), or (4) of subsection (i).''.

(3) Paragraph (2) of section 6421(d) is amended to read as follows:

''(2) EXCEPTION.—

''For payments per quarter based on aggregate amounts payable under this section and section 6427, see section 6427(i)(2).''.

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

SEC. 910. 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) INFLATION ADJUSTMENT ONLY AFTER 1999.—

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

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—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—

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

(2) CONFORMING AMENDMENTS.—Section 132(f)(2) is amended—

(A) by striking ''$60'' in subparagraph (A) and inserting ''$65'', and

(B) by striking ''$155'' in subparagraph (B) and inserting ''$175''.

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

(c) 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 ''$65'' and inserting ''$100''.

(2) NEW BASE PERIOD FOR INFLATION ADJUSTMENT.—Subparagraph (A) of section 132(f)(6) is amended by adding at the end the following flush sentence:

''In the case of any taxable year beginning in a calendar year after 2002, clause (ii) shall be applied by substituting 'calendar year 2001' for 'calendar year 1998' for purposes of adjusting the dollar amount contained in paragraph (2)(A).''.

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

SEC. 911. REPEAL OF NATIONAL RECREATIONAL TRAILS TRUST FUND.

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

(b) CONFORMING AMENDMENTS.—

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

(2) Subparagraph (D) of section 9503(b)(4) is amended to read as follows:

''(D) in the case of gasoline and special motor fuels used as described in paragraph (4)(D) or (5)(B) of subsection (c), section 4041 or 4081 with respect to so much of the rate of tax as exceeds 11.5 cents per gallon,''.

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

SEC. 912. IDENTIFICATION OF LIMITED TAX BENEFITS SUBJECT TO LINE ITEM VETO.

For purposes of part C of title X of the Congressional Budget and Impoundment Control Act of 1974 (relating to line item veto), the Joint Committee on Taxation has determined that this title does not contain any limited tax benefit (as defined in such part).

And the Senate agree to the same.

Pursuant to the order of the House on April 1, 1998, the Speaker appointed the following conferees for consideration of the House bill (except title XI) and the Senate amendment (except title VI), and modifications committed to conference:

BUD SHUSTER,
THOMAS E. PETRI,
SHERWOOD L. BOEHLERT,
JAY KIM,
STEPHEN HORN,
TILLIE K. FOWLER,
RICHARD H. BAKER,
ROBERT W. NEY,
JACK METCALF,
JAMES L. OBERSTAR,
NICK RAHALL,
ROBERT A. BORSKI,
ROBERT E. WISE, Jr.,
JIM CLYBURN,
BOB FILNER,

As additional conferees from the Committee on Commerce, for consideration of provisions in the House bill and Senate amendment relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301–3302, 4101–4104, and 5004 of the Senate amendment and modifications committed for conference:

TOM BLILEY,
MICHAEL BILIRAKIS,
JOHN D. DINGELL,
Provided that Mr. Tauzin is appointed in lieu of Mr. Bilirakis for consideration of sections 1407, 2103, and 3106 of the Senate amendment.
BILLY TAUZIN,

As additional conferees from the Committee on Ways and Means, for consideration of title XXI of the House bill and title VI of the Senate amendment, and modifications committed to conference:

JIM NUSSLE,
KENNY C. HULSHOF,

As additional conferees from the Committee on Ways and Means, for consideration of title XXI of the House bill and title VI of the Senate amendment, and modifications committed to conference:

CHARLES B. RANGEL,
Managers on the Part of the House.

From the Committee on Environment and Public Works:

JOHN W. CHAFEE,
JOHN WARNER,
BOB SMITH,
DIRK KEMPTHORNE,
JIM INHOFE,
CRAIG THOMAS,
CHRISTOPHER S. BOND,
TIM HUTCHINSON,
WAYNE ALLARD,
MAX BAUCUS,
DANIEL PATRICK MOYNIHAN,
HARRY REID,
BOB GRAHAM,
JOSEPH LIEBERMAN,
BARBARA BOXER,

From the Committee on Finance:

WILLIAM V. ROTH, Jr.,
CHUCK GRASSLEY,
ORRIN HATCH,
JOHN BREAUX,
KENT CONRAD,

From the Committee on Banking, Housing, and Urban Affairs:

ALFONSE D'AMATO,
PHIL GRAMM,
PAUL SARBANES,
CHRIS DODD,

From the Committee on Commerce, Science, and Transportation:

ERNEST HOLLINGS,

From the Committee on the Budget:

PETE DOMENICI,
DON NICKLES,
PATTY MURRAY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—FEDERAL-AID HIGHWAYS

SHORT TITLE, TABLE OF CONTENTS

House bill

The title of the House bill is the ''Building Efficient Surface Transportation And Equity Act of 1998,'' ''BESTEA.'' Section 1 of the House bill also includes a table of contents.

Senate amendment

The title of the Senate amendment is the ''Intermodal Surface Transportation Efficiency Act of 1998,'' of ''ISTEA II.'' Section 1 of the Senate amendment also includes a table of contents for the bill.

Conference substitute

The Conference adopts a substitute provision. The title of the bill is ''Transportation Equity Act for the 21st Century'' or ''TEA 21.''

DEFINITIONS

House bill

The House bill includes definitions for two terms in the free-standing provisions. The term ''Interstate System'' has the meaning given the term by section 101 of title 23 of the United States Code. The term ''Secretary'' is the Secretary of Transportation.

Senate amendment

For the purpose of the free-standing provisions, the Senate amendment defines the term ''Secretary'' as the Secretary of Transportation.

Conference substitute

The conference adopts the House provision.

SAVINGS CLAUSE

House bill

The House bill provides that amendments made by this Act shall not affect any apportionment or allocations of any funds that occurred before the date of enactment of this Act unless the bill specifically directs that the allocation or apportionment be modified.

Senate amendment

The Senate amendment contains no provision similar to the House savings clause.

Conference substitute

The Conference does not include the House provision.

AMENDMENTS TO TITLE 23

House bill

Section 101 of the House bill directs that each amendment in the bill, or repeal of a section or other provision of law, is an amendment to title 23 of the United States Code unless the bill states otherwise.

Senate amendment

The Senate amendment contains no provision comparable to the Hose provision.

Conference substitute

The conference report adopts the House provision.

SHORT TITLE FOR TITLE I

House bill

The House bill contains no comparable provision.

Senate amendment

The Senate amendment includes a short title for the first title of the bill covering highway programs. This title may be cited as the ''Surface Transportation Act of 1998''.

Conference substitute

The conference report does not include the Senate provision.

DIVISION OR SEGMENTATION OF PROJECTS

House bill

The House bill authorizes a State carrying out a project with Federal funds to divide or segment the project provided that the division or segmentation complies with the requirements of the National Environmental Policy Act of 1969.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision. This provision clarifies that by listing high priority projects in subsection 127(c) of this Act and similar projects in previous legislation, Congress is establishing the limits of the projects for purposes of eligibility for associated Federal-aid highway funding. The listing or identification of a project is not intended to define the scope of the project for purposes of complying with all Federal requirements, including those of the National Environmental Policy Act (NEPA). As the associated Federal-aid highway funding for these projects typically is not sufficient to finance the Federal share of all improvements within the project limits, Congress recognizes that a State needs the flexibility to advance logical segments of the overall project. Any segment of a project must still have to connect logical termini, have independent utility, and not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. This provision does not waive safety or contracting requirements for the underlying segment.

In the case of the South Lawrence Trafficway in Kansas, the State may advance the segment between U.S. 59 and Kansas Route 10 as a non-Federally funded project without triggering NEPA.

TECHNICAL AMENDMENT METROPOLITAN PLANNING SET ASIDE

House bill

Section 104(e) amends the metropolitan planning set aside provision of section 104(f) of title 23, United States Code by deleting the references to outdated funding programs and providing that the set aside shall not be deducted from funds for the Recreational Trails Program.

Senate amendment

Section 1112(b)(1) makes minor technical amendments to the metropolitan planning set aside provision in section 104(f) of title 23, United States Code.

Conference substitute

The Conference adopts the House provision.

AUDITS OF THE HIGHWAY TRUST FUND

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1102(e) amends section 104(i) of title 23, United States Code to authorize the Secretary to use administrative funds to reimburse the Office of Inspector General of the Department of Transportation for annual audits of financial statements in accordance with section 3521 of title 31, United States Code.

Conference substitute

The Conference adopts the Senate provision.

NOTICE TO THE STATES

House bill

Section 104(d) makes technical corrections to section 104 of title 23, United States Code. It also directs the Secretary to transmit to Congress within 21 days a written statement setting forth the reason for not making an apportionment in a timely manner. This section has been included in response to the withholding of apportionments in fiscal year 1997. The apportionments were held up for several months due to an error in crediting receipts into the Highway Trust Fund. Ultimately, a correction was made resulting in the redistribution of nearly $1 billion in federal-aid highway funds. The withholding was done administratively. This amendment would require a written explanation of any withholding in the future.

Senate amendment

Section 1102(f)(1) makes technical corrections to section 104 of title 23, United States Code.

Conference substitute

The Conference adopts the House provision.

TECHNICAL AMENDMENTS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1102(f)(1) and (2) make technical corrections to section 104 of title 23, United States Code.

Conference substitute

The Conference adopts the Senate provision.

REPEAL OF SECTION 150

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1102(g)(2) repeals section 150 of title 23, United States Code. Section 150 provided for the allocation of funds based on an outdated concept of urban systems.

Conference substitute

The Conference adopts the Senate provision.

SURFACE TRANSPORTATION OBLIGATIONS IN URBAN AREAS

House bill

Subsection 108(g) extends the current provision in subsection 133(f) requiring the proportional obligation of surface transportation program funds made available for urban areas over the period from 1998 through 2003.

Senate amendment

Section 1104 continues current procedure in subsection 133(f) of title 23, United States Code regarding the sub-allocation of surface transportation program (''STP'') funds to urbanized areas. The purpose of this requirement is to ensure that the obligation rate of the STP funds for urbanized areas within a State is consistent with the larger obligation rate for all Federal-aid highway apportionments within the State. This section amends current law to require States to comply with obligation rates over two equal three-year periods, as opposed to the existing requirement of complying over a single six-year period.

Conference substitute

The Conference adopts the Senate provision.

EMERGENCY RELIEF

House bill

Section 117(a)(1) makes several technical corrections to the Federal share payable section under the Emergency Relief Program.

Senate amendment

Section 1105 restates the eligibility for highway and bridge projects and the funding requirements for the emergency relief (''ER'') program. ER funds can be used only for emergency repairs done to restore essential highway traffic, to minimize the extent of damage resulting from a natural disaster or catastrophic failure, or to protect the remaining facility. The Secretary is also authorized to borrow amounts necessary from any program under title 23 for emergency relief work. Any additional funds used shall be reimbursed with future ER appropriations. The purpose of allowing the Secretary to borrow funds from title 23 programs is to provide a ''cushion'' to allow project work to continue if all ER program funds are used. This section also amends current law, which limits the availability of ER funds to two years, to make them available until expended.

Conference substitute

The Conference adopts the Senate provision.

ACCESS TO KENNEDY CENTER

House bill

Section 117(e) requires the Secretary, in cooperation with the District of Columbia,

the John F. Kennedy Center for the Performing Arts, and the Department of the Interior, and in consultation with other interested persons, to conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts. The bill authorizes $500,000 to be taken out of the Highway Trust fund for the study.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision.

SMITHSONIAN TRANSPORTATION PROGRAM

House bill

Section 117(f) provides assistance to the Smithsonian Institute for transportation-related activities, including exhibitions and educational outreach programs, the acquisition of transportation-related artifacts, and transportation-related research programs. The bill authorizes $5 million annually for this assistance.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitution

The Conference adopts the House provision with a reduction in the annual authorization to $1 million.

RECREATIONAL TRAILS

House bill

Section 114 codifies the Recreational Trails Program authorized in ISTEA as Section 205 of Title 23. The program distributes to States a portion of gas tax revenues attributable to non-highway use for trail projects. The Secretary is required to administer this program for the purpose of providing and maintaining recreational trails. The Federal share for the program is 50 percent of cost. Certain other Federal programs can be used as matching funds. Eligible costs include educational programs, the development, construction and rehabilitation of trails, and the acquisition of easements. The existing ISTEA provision relating to recreational trails is repealed. The Secretary is to encourage the use of youth conservation or service corps in completing appropriate trails projects.

The 30 percent figures under the Assured Access to Funds requirement and the 40 percent figure under the Diversified Trail Use requirement are minimum requirements that could be exceeded. States should not treat their projects as if they were meeting three mutually exclusive categories. There can be overlap between the Diversified Trail use requirement and the Assured Access requirements. There should be diversified motorized use projects, diversified non-motorized use projects, and projects that benefit both motorized and non-motorized use simultaneously.

Senate amendment

Section 1107 continues the existing Recreational Trails Program. Under this provision, the Recreational Trails Program is to be funded through contract authority from the Highway Trust Fund. The annual contract authority is as follows: $17,000,000 for fiscal year 1998; $20,000,000 for fiscal year 1999; $22,000,000 for fiscal year 2000; $23,000,000 for fiscal year 2001; $24,000,000 for fiscal year 2002; and $25,000,000 for fiscal year 2003. The provision of current law relating to the National Recreational Trails funding is repealed.

The Federal share payable for projects under the Recreational Trails Program is increased from 50 percent to 80 percent. In addition to the Department of Transportation, other Federal agencies may contribute additional funds for a Recreational Trails project. However, the Department of Transportation share for any individual project may not exceed 80 percent; the combined share of all Federal agencies may not exceed 95 percent. The Federal share for this program is consistent with the Federal share available for other Federal-aid projects.

This section retains the current requirement regarding the States' use of annual apportionments: at least 30 percent of Federal funds must be used to facilitate non-motorized recreation; another 30 percent of the funds must be used for motorized recreational purposes. A State must use the remaining amount of funds for diverse recreational purposes, including both motorized and nonmotorized recreational trail use. Experience with implementing Recreational Trail projects in the past has shown that project sponsors for nonmotorized trail projects were significantly disadvantaged in meeting the higher non-Federal matching requirements.

To the extent practicable and consistent with other requirements, States are to give consideration to projects that benefit the natural environment or mitigate and minimize impacts to the environment.

The amount that the Secretary may deduct to pay the costs for administration of the program is reduced from three percent to one percent.

Conference substitute

The Conference substitute adopts the Senate language with several modifications. The substitute clarifies that a State may use funds appropriated under this section for construction of new trails only if the construction is permissible under some other law or is otherwise required by a statewide comprehensive outdoor recreational plan in effect required by the Land and Water Conservation Found Act. It places a cap on the amount that a state can expend on educational programs to promote safety and environmental protection at 5% of annual apportionments.

The substitute provision also modifies existing law to exclude all small states with a total land area of less than 3,500,000 acres from the requirement to expend annual apportionments for trails and trails related projects in a ratio of 40% diverse use, 30% motorized use and 30% nonmotorized use. The substitute further provides that a State trail advisory committee may waive the trails diversity requirement if the State notifies the Secretary that the State does not have sufficient projects to meet the diversity requirements.

It adds a new section which allows States to make grants under section 104(h) to private organizations, municipal, county, state and Federal governmental entities after considering guidance from the recreational advisory committee for uses consistent with this section.

TERMINATION OF RECREATIONAL TRAILS ADVISORY COMMITTEE

House bill

Subsection 114(d) terminates the Recreational Trail Advisory Committee by the end of fiscal year 2000.

Senate amendment

Section 1208(c) terminates the National Recreational Trails Advisory Committee as soon as is practicable. The Advisory Committee was established in ISTEA and tasked to (1) review the allocation and utilization of moneys under the Recreational Trails program; (2) establish review criteria for trail-side and trail-head facilities; and (3) recommend changes in Federal policy to advance the purposes of the program. The Advisory Committee has completed these tasks and is no longer necessary. This provision does not affect the State advisory committees that are responsible for implementing the Recreational Trails Program.

Conference substitute

The Conference adopts the House provision.

ENCOURAGEMENT OF YOUTH CONSERVATION CORPS

House bill

Subsection 114(c) encourages the use of qualified youth conservation or service corps to construct and maintain recreational trail projects.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision.

VALUE PRICING PILOT PROGRAM

House bill

Section 119 establishes a variable pricing pilot program. The Secretary may enter into cooperative agreements with up to 15 States to conduct and monitor the pilot projects. The Federal share for a pilot program is 80 percent of the total cost of the program, although the Federal share for any portion of a project may be up to 100 percent. The provision authorizes full Federal participation in the start-up, development, and pre-implementation costs associated with a pilot program for up to three years.

Single occupancy vehicles that are part of a pilot program may operate in high occupancy vehicle (HOV) lanes.

Pilot programs must include an analysis of how the program affects low income drivers.

Senate amendment

Section 1108 renames the congestion pricing pilot program as the value pricing pilot program and codifies the program in title 23, United States Code.

A number of States and local governments have used funds provided under ISTEA to complete feasibility studies and implementation of value pricing projects. This section provides funding and additional flexibility to allow States to continue to implement these projects. In addition, it expands the program, increasing the number of pilot programs eligible for funding from five to 15, and lifting the restriction that only three projects can be conducted on the Interstate System. Funds available under this section may be used for all pre-implementation and design costs to give States more flexibility to study options for different types of value pricing projects.

This section also includes an exemption from the HOV requirement of Section 102(b) of title 23 to permit single occupancy vehicles to operate in HOV lanes if the vehicles are part of a value pricing program.

It is expected that each value pricing project will include a thorough evaluation of the project's effects, including its impacts on congestion, air quality, transit use, and other social and economic effects.

Conference substitute

The Conference adopts the Senate provision with two modifications. First, it prohibits federal funding of pre-implementation, development and startup costs after three years as provided in the House bill. Second, it requires each pilot program to include, where appropriate, an analysis of the impact of the program on low income drivers.

HIGHWAY USE TAX EVASION PROJECTS

House bill

Section 122 amends section 1040 to specify that all funds provided for this program are

contract authority. It requires funding provided under this section to be used to create an automated fuel reporting system to improve the tracking of motor fuels subject to Federal and state excuse taxes.

Senate amendment

Section 1109 eliminates two obsolete tax evasion study requirements in current law. It eliminates the annual report on motor fuel tax enforcement activities and the report on the feasibility and desirability of using dye and markers to aid in motor fuel tax enforcement activities.

This section codifies and expands the successful tax evasion program in section 1040 of ISTEA. It provides $5 million in contract authority for each of fiscal years 1998 through 2003 to continue joint FHWA–IRS–State motor fuel tax compliance projects across the Nation, as established in section 1040 of ISTEA. All costs of tax evasion projects are to be paid by the Federal Government.

This section also authorizes an additional $8 million for the Secretary to complete the development of an excise fuel reporting system, as well as $2 million annually for the operation and maintenance of the system. This system will provide essential information regarding data on import and refinery production of motor fuel to compare with terminal fuel receipts and fuel deliveries. This new program, along with the continuing program, is necessary to help ensure that the successful, coordinated regional and national approach to combat fuel tax fraud can continue and improve.

The Conference adopts the Senate provision with one modification. The substitute expressly provides the excise fuel reporting system with contract authority.

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

House bill

Section 137 amends section 217 of title 23 to make a number of clarifying changes and to require that bicyclists and pedestrians be included in the planning process and to allow electric bicycles on trails when State or local regulations permit. The provision clarifies the requirements under section 109(n) of title 23 related to the impact on non-motorized transportation of a Federal-aid highway project. It also requires that bicycle safety be taken into account when States undertake rail-highway crossing projects under section 130 of the title 23. Such safety devices shall include installation and maintenance of audible traffic signal and audible signs.

Senate amendment

Section 1110 builds on ISTEA by expanding the amount of funds available to be used to encourage bicycling and walking as alternative modes of transportation. This provision amends section 217 of title 23, United States Code, to include the construction of pedestrian walkways as an eligible use of a State's National Highway System (NHS) apportionments under the same criteria by which bicycle transportation facilities currently are eligible. This section eliminates the restriction on the use of NHS funds for the construction of bicycle transportation facilities on land adjacent to the Interstate System and amends current law to allow the safe accommodation of bicycles on highway bridges located on fully access-controlled highways, if the bridge is being replaced or rehabilitated with Federal funds. The Department is encouraged to work with the States to ensure that bicycling and pedestrian interests are represented in State and MPO decisionmaking.

The planning provisions in sections 134 and 135 of title 23 are amended to provide that bicyclists and pedestrians shall be given consideration in the comprehensive Statewide and metropolitan planning processes, and that the inclusion of bicycle and pedestrian facilities shall be considered, where appropriate and permitted, in conjunction with all new construction and reconstruction of transportation facilities.

Conference substitute

The Conference adopts the House provision with modifications. The substitute clarifies that safety devices such as installation of audible traffic signals and audible signs shall be considered where appropriate. It also retains current law section 217(i) which clarifies that eligible bicycle projects must be principally for transportation, rather than recreation, purposes.

HIGHWAY AND STREET DESIGN STANDARDS

House bill

Subsection 137(d) requires a study of highway and street design standards to accommodate bicycles.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference does not include a study requirement.

DESIGN GUIDANCE

House bill

Subsection 137(f) requires the Department of Transportation, in cooperation with the American Association of State Highway and Transportation Officials (AASHTO), the Institute of Transportation Engineers, and other interested organizations, to issue within one year design guidance to accommodate bicycle and pedestrian travel.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision with two modifications. First, the substitute clarifies that the guidance must include recommendations to amend and update AASHTO policies relating to highway and street design standards. Second, it extends the deadline for the issuance of the guidance to 18 months.

DISADVANTAGED BUSINESS ENTERPRISES

House bill

Subsection 102(b) continues the Disadvantaged Business Enterprise provisions. It also allows an entity or person that is prevented under Federal court order from complying with the DBE provision to continue to be eligible to receive Federal funds. The Comptroller General is required to conduct a study of the DBE program within three years of enacted of this act. Recent court decisions have established new standards for review of the constitutionality of programs such as the DBE provisions enacted in prior surface transportation acts and that the courts are now determining whether the DBE programs comply with those standards. The Department of Transportation is reviewing the DBE program in light of recent court rulings and has proposed new regulations to ensure that the program withstands constitutional muster. Section 102(b) of the reported bill makes no changes to these provisions preferring to let the courts resolve these issues. However, the Committee will continue to monitor DOT's administration of this program and gage the impact of court decisions on these provisions.

This provision is intended to ensure that grant recipients under this Act will continue to be eligible to continue to receive federal funds even if a federal court has entered a final order finding the DBE program to be unconstitutional.

The possibility of legal challenges that may affect a limited number of States or transit agencies. This provision is intended to ensure that any affected recipients will not be unfairly penalized for complying with a final order of a Federal court finding the DBE program to be unconstitutional.

Senate amendment

Section 1111 continues the provisions in current law regarding the disadvantaged businesses enterprise (DBE) program. The DBE program, which originated in the Surface Transportation Assistance Act of 1982, requires that 10 percent of the funds provided under title I of this Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals, except to the extent that the Secretary of Transportation determines otherwise.

In 1995, the Supreme Court decided Adarand v Pena, which heightened the standard of judicial review applicable to Federal affirmative action programs. The case involved a Caucasian subcontractor who submitted a low bid on a Federal lands highway construction contract, but lost to a company that was certified as ''disadvantaged.'' Adarand filed suit, alleging that he was denied the equal protection guaranteed by the Fifth amendment. The Court agreed in a 5–4 decision that Federal race classifications, such as the DBE program, must be subject to strict scrutiny. In other words, the program must: (1) serve a compelling government interest, and (2) be narrowly tailored to address that compelling interest, which in this case is fighting discrimination.

It is important to note that the Supreme Court did not strike down the DBE program or any other Federal affirmative action program. That means that if the program in question meets the new test outlined by the Court, it is Constitutional and may continue to exist. In the case of the DBE program, the Department of Transportation has determined that the Constitutional concerns can be addressed through changes in the Department's regulations. To that end, the Department has proposed a number of regulations intended to address the ''narrow tailoring'' requirements of ''strict scrutiny'' by (1) giving priority to race-neutral measures in meeting program goals, and (2) limiting the potential adverse effects of the program on other parties.

Conference substitute

The Conference adopts the Senate provision.

FEDERAL SHARE PAYABLE

House bill

Section 134(c) technically changes to the Federal share on certain projects from a strict percentage to a limitation. This will allow for an increased non-Federal share at a State's option. It does not allow the Secretary to impose a lower match.

Senate amendment

Section 1112(a) amends section 120 of title 23, United States Code, to allow a State, if it chooses, to reduce the Federal share of a Federal-aid highway project. This change will give States the flexibility to carry out more projects than would be possible with a straight 20 percent non-Federal share. Nothing in this section is intended to require a State to lower the Federal share payable on any project funded under this title.

Conference substitute

The Conference adopts the Senate provision.

Increased Federal Share for Transit Vehicles

House bill

Subsection 120(a) amends section 120 of title 23 to provide that the Federal share of

priority control systems for transit vehicles may be up to 100 percent.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision.

Credit for Non-Federal Share

House bill

Subsection 120(b) allows States to apply toll revenues used for specified capital improvements to their non-Federal share requirement for title 23 projects and for chapter 53 of title 49. To receive this credit, a State must maintain its average non-Federal transportation capital expenditure for the preceding three fiscal years.

Senate amendment

Section 1112(a)(2) codifies a provision established in ISTEA which allows States to apply toll revenues used for specified capital improvements to their non-Federal share requirement for title 23 projects. To receive this credit, a State must meet a maintenance of effort test, and therefore, must maintain its average non-Federal transportation capital expenditure for the preceding three fiscal years. The provision allows a State to drop a ''high year'' from the three year maintenance of effort test, if that year is at least 30 percent greater than the average for the two other preceding years.

Conference substitute

The Conference adopts the House provisions with modifications. The substitute language includes the exception clause for the maintenance of effort test provided for in the Senate language. In addition, the substitute language clarifies that payments on transportation-related bonds are considered a ''transportation expenditure''.

Toll Road Credits

House bill

Subsection 133(e) clarifies that private entity expenditures for construction of specific toll roads in Southern California may be credited to the State's non-Federal share.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with modifications. The substitute amends section 120 of title 23 and provides that private entity expenditures used to construct toll roads open to traffic may be used toward the matching share in all States.

Interstate Reconstruction Pilot Program

House bill

Subsection 120(c) creates an Interstate System Reconstruction and Rehabilitation Pilot Program. This program allows up to three facilities to be tolled, provided the toll revenues are used to improve that facility. Any State wishing to participate in the pilot program must enter into an agreement with the Secretary to ensure that no toll revenues are diverted to another facility or purpose. The provision specifies eligibility and selection criteria.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The conference adopted the House provision to allow a State to toll segments of the Interstate system. The provision allows up to three states to participate provided that revenues generated from the tolls will be used to reconstruct, improve or maintain the facility. The conferees understand that certain segments of the Interstate require substantial maintenance and rehabilitation funding above available resources, such as Interstate 80 in Pennsylvania.

Technical Amendment—Federal Share Payable

House bill

Paragraph 104(e)(2) provides a technical conforming amendment to section 120.

Senate amendment

Paragraph 1112(b)(1) provides a technical amendment to 23 U.S.C. 120 concerning the Federal share payable for title 23 projects to conform subsections 120(a) and (b) to subsection 120(i), which allows the State to determine a lower Federal share.

Conference substitute

The Conference adopts the House provision.

Technical Amendment—Federal Share Payable

House bill

The House bill contains no comparable provision.

Senate amendment

Paragraph 1112(b)(2) provides a technical amendment to 23 U.S.C. 120 to conform this subsection to 23 U.S.C. 121, relating to payments made to States for the cost of construction.

Conference substitute

The Conference adopts the Senate provision.

Study: Highway Economic Requirement

House bill

The House bill contains no comparable provision.

Senate amendment

Subsection 1113(a) requires the General Accounting Office (GAO) to report to Congress on the Department's methodology for determining highway needs using the Highway Economic Requirement System (HERS), a computer program developed to use economic criteria and engineering criteria in estimating highway investment requirements. The GAO is required to provide Congress with an assessment of the extent to which the model is useful in estimating an optimal level of highway infrastructure investment three years after this Act is enacted.

Conference substitute

The Conference adopts the Senate provision.

Study: International Roughness Index

House bill

The House bill contains no comparable provision.

Senate amendment

Subsection 1113(b) requires the Comptroller General to submit a report to the Congress on the International Roughness Index (IRI), an index that is being used to measure the pavement quality of the Federal-aid highway system. The IRI is a data input used in the HERS model. Concerns have been raised as to the reliability of the IRI measurement across different manufacturers and types of pavements and this study shall indicate the extent to which the IRI measurement is reliable.

Conference substitute

The Conference adopts the Senate provision.

Report: Rates of Obligation

House bill

The House bill contains no comparable provision.

Senate amendment

Subsection 1113(c) requires the Secretary to report annually on the rates of obligation of funds apportioned under Federal-aid highway programs. The report shall include information regarding funding category or subcategory, type of improvement, and substrate geographic area.

Conference substitute

The Conference adopts the Senate provision with a modification to clarify that the report shall include all final apportioned programs.

109 Study: Procurement Practices

House bill

Subsection 139(b) requires the GAO to evaluate procurement practices and project delivery. The study shall access the impact a utility company's failure to relocate in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects.

Senate amendment

Subsection 1113(d) requires the General Accounting Office (GAO) to conduct a study on Federal-aid highway procurement practices and project delivery. The study shall access the impact that a utility company's failure to relocate in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects.

Conference substitute

The Conference adopts the House provision.

Definitions

House bill

Section 143 organizes the definitions for title 23 alphabetically.

Senate amendment

Section 1114 provides definitions for the terms ''Federal-aid highway funds'' and ''Federal-aid highway program.'' These phrases are used throughout title 23, but are not defined in current law. The addition of these clarifying definitions is not intended to change the implementation of any section under current law. The section reorganizes the Definitions for title 23 alphabetically.

Conference substitute

Unresolved.

Definitions: Enhancements

House bill

Section 143 amends the definition of a transportation enhancement activity. It specifies that a transportation enhancement activity must have a direct link to surface transportation. It also expands the definition to allow the removal of graffiti and litter among the list of eligible activities, as well as environmental mitigation to reduce vehicle-caused wildlife mortality while maintaining habitat connectivity. In addition, it adds construction of tourist and welcome centers as an eligible activity.

Senate amendment

Subsection 1223(d) amends subsection 101(a) by providing that tourist and welcome center facilities associated with scenic or historic highway programs are eligible for funding under the enhancement program.

Conference substitute

The Conference adopts the House provision with modifications. The substitute requires that transportation enhancement activities have a relationship, rather than a direct link, to surface transportation. It does not include graffiti and litter removal as eligible activities. It retains the Senate provision regarding eligibility of tourist and welcome centers. In order to be eligible under the enhancement program, the tourist or welcome center (whether a new facility or existing facility) does not have to be on a designated scenic or historic byway, but there must be a clear link to scenic or historical sites. It adds transportation-related museums as an eligible activity.

Definitions: Operational Improvement

House bill

Subsection 143 of the House bill provides technical amendments to, but does not change the definition of operational improvement from current law.

Senate amendment

This section revises the definition of ''operational improvement'' in section 101(a) of title 23, United States Code, to include the installation, operation, or maintenance of certain Intelligent Transportation Systems infrastructure projects. The installation, operation or maintenance of communications systems, roadway weather information and prediction systems, and other improvements designated by the Secretary that enhance roadway safety during adverse weather are also incorporated into the revised definition.

Conference substitute

The Conference adopts the House provision.

Hazard Elimination

House bill

Subsection 143 of the House bill provides technical amendment to, but does not change this definition from current law.

Senate amendment

Subparagraph 1404(b)(1)(A) amends the definition of ''highway safety improvement project'' by deleting the reference to ''highway''.

Conference substitute

The Conference adopts the House provision with a modification. The reference to ''highway'' is deleted. In carrying out this provision, States should minimize any negative impact on safety and access for bicyclists and pedestrians in accordance with Section 217 of title 23, U.S.C.

Project Approval and Oversight

House bill

Section 143 amends section 101 of title 23 by providing a definition for ''project agreement.'' It is defined as the formal instrument required under the project agreement provision in title 23.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with a modification. It provides a conforming amendment to recognize that section 110 regarding project agreements is repealed and the portion of the provision relating to project agreements is moved to section 106.

Cooperative Federal Lands Program

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1115 establishes a new section 207 in chapter 2 of title 23, United States Code, which provides a funding source for public roads or bridges owned by States or their political subdivisions that cross, are adjacent to, or provide access to, Federal lands and Indian reservations (including reservoirs owned by the Army Corps of Engineers). The purpose of this program is to supplement the efforts of the Federal government in developing and maintaining roads or bridges that serve federally owned land and Indian reservations (including reservoirs owned by the Army Corps of Engineers).

The Cooperative Federal Lands Transportation Program ensures that funding will be provided for projects in States where greater than 4.5 percent of the land within the state borders is held in trust or owned by the Federal government. Funds are provided directly to these States for projects that provide access to Federal lands and Indian reservations. This section provides $74 million in contract authority per year from the Highway Trust Fund.

Conference substitute

The Conference does not adopt the Senate provision, but transfers the $74 million in contract authority to the Federal Lands Highway Program.

Bridge Set Aside for New Jersey

House bill

The House bill contains no comparable provision.

Senate amendment

The Secretary is required to set-aside $20 million each fiscal year from the I–4R program and allocate it to any State that: (1) receives less in the bridge apportionment factors used in the Interstate and National Highway System program and the Surface Transportation Program compared with the funds a State received under the bridge program in 1997; and (2) was apportioned at least $125 million in 1997. These funds shall be available for highway bridge projects.

States that have transferred more than 10 percent of the funds apportioned under the bridge program in 1995 through 1997 to other Federal-aid transportation projects are not eligible for an allocation from this program.

Conference substitute

The Conference does not adopt the Senate provision.

Bridge Set Aside Missouri

House bill

The House bill contains no comparable provision.

Senate amendment

The Secretary is required to set-aside $15 million each fiscal year from the I–4R program and allocate it to any State whose bridges have an average life of at least 46 years as of the date of enactment of this Act.

States that have transferred more than 10 percent of the funds apportioned under the bridge program in 1995 through 1997 to other Federal-aid transportation projects are not eligible for an allocation from this program.

Conference substitute

The Conference does not adopt the Senate provision.

Bridge Set Aside Arkansas

House bill

The House bill contains no comparable provision.

Senate amendment

The Secretary is required to allocate $10 million to States that meet specific per capita personal income and Federal-aid Highway apportionment criteria from the I–4R program.

Conference substitute

The Conference does not adopt the Senate provision.

National Highway System Components

House bill

Subsection 106(c) modifies the National Highway System to include intermodal connectors on the map submitted to Congress by the Secretary on May 24, 1996.

Senate amendment

Section 1121 establishes the National Highway System (NHS) as those routes and transportation facilities depicted on maps submitted by the Secretary with the report ''Pulling Together: The National Highway System and its Connections to Major Terminals.''

Conference substitute

The Conference adopts the Senate provision with minor technical clarifications.

Study: Intermodal Freight Connectors

House bill

Subsection 106(h) directs the Secretary to report to Congress not later than 24 months after the date of enactment of this Act on the condition of and the improvements made to connectors on the National Highway System that serve intermodal freight transportation facilities.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with modifications to clarify that the purpose of the report is to identify impediments to improving intermodal connectors including impediments related to the planning process, availability of funding, and other issues identified by the Secretary.

National Highway System Sign Competition

House bill

Subsection 106(h) directs the Secretary to conduct a national competition among children under the age of 14 to design a logo sign for the National Highway System.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

Safety Belt Extension, NH

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1124 modifies section 355 of the National Highway System Designation Act of 1995 to permit New Hampshire to meet the safety belt use law required under section 153 of title 49, United States Code, through a performance requirement. Through the end of fiscal year 2000, New Hampshire is deemed to have met the safety belt use requirements of section 153 upon certification by the Secretary that the State has achieved: (1) a safety belt use rate in each of fiscal years 1997 through 2000 of not less than 50 percent; and (2) a safety belt use rate in each succeeding fiscal year thereafter of not less than the national average safety belt use rate.

Conference substitute

The Conference adopts the Senate provision with a minor technical amendment.

Study: Uniformed Police Officers

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1126 requires the Secretary of Transportation to conduct a study on the extent and effectiveness of the use by various States of uniformed police officers on Federal-aid highway construction projects. Some States use police officers extensively on their highway construction projects, while other States are virtually no police officers for work zone traffic control. Work zone safety has been a high priority issue for the Federal Highway Administration (FHWA), traffic engineering professionals, and highway agencies. This section requires the Department of Transportation to submit a report to Congress on the results of the study not later than 2 years after the effective date of this section.

Conference substitute

The Conference adopts the Senate provision with a modification to require that the study be conducted in consultation with law enforcement organizations.

Contracting for Engineering and Design Services

House bill

Section 140 amends section 112 of title 23 clarifies that quality based selection process requirements for design and engineering services and other contracting procedures will apply unless a State has in the past adopted alternative procedures to increase competition. Requirements must be met for any phase of a project funded in whole or in part with Federal funds.

Senate amendment

This provision amends section 112(b)(2) of title 23 of the United States Code to promote competition and provide the greatest value for Federal aid system projects. It clarifies that the time period for states to have legislatively enacted alternative requirements to Qualifications Based Selection (QBS) Procedures for obtaining engineering and design services has ended. Additionally, it requires that the Federal Acquisition Regulations (FAR) be used for consistent and equitable contract administration, accounting, and audits while providing for the use of FAR QBS simplified acquisition procedures for contracts under $100,000. Finally, clarification is provided that requires the Secretary to establish a certification procedure to ensure that any legislation enacted by a State since November 28, 1995 to exercise its option complies with the time frames and substantive criteria contained in Section 307 of PL 104–59.

Conference substitute

The Conference adopts a substitute provision.

Ambassador Bridge, Michigan

House Bill

Subsection 133(a) makes the facilities necessary to connect the Ambassador Bridge in Detroit, Michigan to the Interstate System eligible to receive funds apportioned under the National Highway System and the Surface Transportation program.

Senate amendment

Section 1129 provides eligibility for the Ambassador Bridge in Detroit, Michigan under the surface transportation program and the National Highway System program.

Conference substitute

The Conference adopts the Senate provision.

Cuyahoga River Bridge

House bill

Subsection 113(b) makes the Cuyahoga River in Ohio eligible to receive funds apportioned under the congestion mitigation and air quality improvement program.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House bill with a modification. The bridge is eligible to receive funds from the surface transportation program.

National Defense Highway

House bill

Section 131 authorizes an amount not to exceed $16 million per year for fiscal years 1998 through 2003 from the Interstate Maintenance component for the reconstruction of a highway or portion of highway outside of the United States that is important to national defense.

Senate amendment

Section 1131 authorizes an amount not to exceed $16 million per year for fiscal years 1998 through 2003 from the Interstate Maintenance component for the reconstruction of a highway or portion of highway outside of the United States that is important to national defense.

Conference substitute

The Conference adopts the provision.

High Risk Road Safety Improvement Program

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 110 creates a new program within the Federal-aid highway program to fund construction and operational projects that improve the safety of high risk roads. States are to allocate funds under this program to those projects that have the highest benefit. Up to fifty percent of funds under this program can be transferred to other Federal-aid highway programs.

Conference substitute

The Conference does not adopt the House provision.

Road Safety Awareness and Improvement Program

House bill

Subsection 110(c) authorizes a roadway safety awareness and improvement program funded from the high risk road safety program. The activities of the program should be carried out cooperatively between the Department of Transportation, States, and other safety organizations.

Senate amendment

The Senate bill contains no comparable provision.

Conference Substitute

The Conference does not adopt the House provision.

High Cost Interstate Program

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 113 establishes a new program to fund major reconstruction or improvement projects on the Interstate system. In order to be eligible, a project must cost over $200 million or cost more than 50% of a State's Federal-aid highway apportionments; it must be ready to go to construction; the State must agree to not transfer funds apportioned under the Interstate Maintenance Program; and the funds must be obligated within one year. Two thirds of the funds are allocated to the States in the ratio that each State's cost of eligible projects bear to the total national cost of eligible projects. For the years 1998 through 2003, however, those funds are to be distributed based on the Interstate Maintenance Program formula. The remainder of the funds are allocated on a discretionary basis. If funds cannot be used in any given fiscal year, the extra funds are apportioned to all States as Interstate Maintenance funds. Projects must be included within the planning process. The Secretary of Transportation is required to report on the expected future need to reconstruct the Interstate System and to recommend methods for apportioning the funds.

Conference Substitute

The Conference does not adopt the House provision.

Infrastructure Awareness Program

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 132(a) authorizes the Secretary to fund the production of a documentary about infrastructure to promote infrastructure awareness. A total of $1 million in contract authority is authorized for each of the fiscal years 1998 through 2000 from the Highway Trust Fund, other than the Mass Transit Account.

Conference substitute

The Conference adopts the House provision with modifications. The substitute states that a total of 40 percent of the total project of $4.8 million will be provided from the Highway Trust Fund and the remaining 60 percent is required to be provided by the private sector. Credit is given for funds received to date. The substitute provides a total of $1 million for each of the fiscal years 1998 and 1999, and $.88 million in 2000 from the Highway Trust Fund, other than the Mass Transit Account.

New York Avenue Authority, DC

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 142 establishes a New York Avenue Authority to develop an improvement plan for the New York Avenue Corridor in the District of Columbia. The authority is eligible to receive funding under the National Corridor Planning and Development program.

Conference substitute

The Conference does not adopt the House provision.

Administrative Takedown

Senate bill

Section 1201 reduces that administrative subsection 104(a) of title 23, United States Code, which requires the Secretary to deduct funds from certain Federal-aid highway apportionments from the current 3¾ percent to an amount not to exceed 1½ percent administer the Federal-aid highway program. The reduction reflects that this Act provides non-administrative items, such as research and intelligent transportation system activities that were formerly funded from the takedown with separate funding elsewhere. This modification in the administrative takedown will provide a clear distinction between the Department's administrative expenses and its research activities and other expenses.

House bill

Subsection 104(a) allows the Secretary to deduct from sums authorized to be apportioned for expenditures on the Federal-aid highway program for Administrative expenses a sum not to exceed 1 percent of all sums so apportioned for the Federal-aid highway program.

Conference substitute

The Conference adopts the Senate bill.

Real Property Acquisition

Senate bill

Section 1201 amends sections 108 and 323 of title 23, United States Code, to expand the flexibility provided to State and local governments to compete for land resources. It provides for the advanced acquisition of real property not only for highway projects, but for all transportation improvements under title 23. This section removes restrictive language and outdated programs, revises language, and adds opportunities for State and local governments to utilize early property acquisition when necessary, while retaining maximum flexibility to leverage the use of Federal funds.

The provision provides an alternative means of leveraging Federal funds apportioned to each State by providing a credit based on the value of publicly-owned lands

incorporated within a federally-funded project. This provision is consistent with the credits already permitted for donated real property and services. The provisions added by this section expand the choices available to State and local governments in fashioning financial strategies to best serve their transportation objectives.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a modification to clarify that costs of services are not eligible as a credit for non-federal share.

Payments to States for Construction

Senate bill

Section 1204 amends section 121 of title 23, United States Code to remove a restriction that applies the Federal/non-Federal matching share requirement to each payment a State receives. The revised section 121 makes the requirement applicable to total project costs rather than to individual voucher payments. The increased flexibility provided by these changes will result in a simplified program that is easier for State departments of transportation to administer. The changes recognize that the important restriction is that the total project meets the Federal share requirement. The changes also make the Federal-aid highway program more compatible with other Federal programs, particularly the Federal mass transportation program, where projects are often administered jointly by FHWA and Federal Transit Administration.

House bill

Subsection 134(d) amends title 23 to remove a restriction which applies the Federal/non-Federal matching rate to each payment that a State receives. This amendment will make the Federal-aid highway more like other Federal programs, including the Transit program, hence giving the States greater flexibility in managing their funds.

Conference substitute

The Conference adopts the House provision with a modification. This provision is retained as separate section as in the Senate bill.

Proceeds from the Sale or Lease of Real Property

Senate bill

Current section 156 of title 23, United States Code, requires States to charge fair market value for the use of airspace acquired in connection with a federally funded project. Section 1205 expands the requirement in section 156 to apply to the net income generated by a State's lease, sale, or other use of all real property acquired with Federal financial assistance. The revised section applies the same standard to all real property interests acquired with Federal-aid highway funds. As in current law, the Secretary may grant exceptions for social, environmental, or economic purposes.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with the inclusion of clarifying report language. The purpose of this exception retained in this provision is to give the States (with the Secretary's approval) the flexibility to charge less than fair market value for lands bought with Highway Trust Fund dollars if the lands, once sold or leased, would be used for some purpose of public benefit that would outweigh the general desire to receive fair market value for the property, such as if the lands would be used as parkland or as a recreation area.

Metric Conversion at the State Option

Senate bill

Section 1206 amends section 205 of the National Highway System Designation Act of 1995 which states that the Secretary shall not require States to use or plan to use the metric system before September 30, 2000. This provision allows States to choose when and if to implement the metric system with respect to designing, advertising, or preparing plans, specifications, timetables, or other documents, for a Federal-aid highway project. This section does not require any State to modify its current use of the metric system for Federal-aid highway projects.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Report on Obligations

Senate bill

Section 1207 amends section 104 of title 23, United States Code, to require the Secretary to submit to Congress an annual, rather than monthly, report on States' obligations for Federal-aid highways, highway safety construction programs, and unobligated balances.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Termination of Right-of-Way Revolving Fund

Senate bill

Subsection 1208(a) terminates the right-of-way revolving fund. The right-of-way revolving fund is revised in section 108(c) of title 23, to provide an expiration and closeout period for obligations already authorized from the fund. This program was terminated as a revolving loan fund because of the new rules required of all credit programs in the Credit Reform Act of 1990. Credits based on conversion or reimbursements are to be applied to the Highway Trust Fund rather than to the revolving fund. Twenty-three States currently have active right-of-way revolving fund projects. This section provides for a 20-year close out period from the date that right-of-way funds were advanced to give these States sufficient time to complete these unfinished projects.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Termination of Pilot Toll Collection Program

Senate bill

Subsection 1208(b) terminates a tolling pilot program that has accomplished its intended purpose. Pilot toll agreements that were executed under subsection 129(k) of title 23 are still valid.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Termination of the Bridge Commission

Senate bill

1208(d) repeals the 1962 Bridge Commission Act. Public Law 87–441 relates to bridge commissions and authorities created by Act of Congress. It provides for Federal approval of such commissions' memberships and requires annual audits. A commission ceases to exist by transferring ownership of the bridge to the States. Initially, five bridge commissions were subject to the act. Today, only one commission remains, the White County Bridge Commission, which operates the New Harmony Bridge across the Wabash River between Indiana and Illinois. While under this act, the FHWA has the authority to appoint commissioners and review the commission's financial operations, these actions could be administered more effectively and efficiently at the State or local level. This provision removes this unnecessary Federal oversight of the White County Bridge Commission.

House bill

Subsection 134(h) repeals a requirement that the Federal government oversee certain bridge commissions created by Congress in Public Law 87–441. Such duties would be assumed by State and local governments.

Conference substitute

The Conference finds the provisions in both the House and Senate bills to be substantially equivalent.

Transfer of Highway Transit Funds

Senate bill

Section 122 adds a new subsection to section 104 of title 23, United States Code, to provide for the program-wide, rather than project-by-project, transfer and administration of transit funds made available for highway projects and highway funds made available for transit projects. This revision will streamline the administration of highway and transit funds by State departments of transportation.

This provision also requires the Secretary to administer funds made available under title 23 or chapter 53 of title 49 and transferred to Amtrak in accordance with Subtitle V of title 49. Funds made available under title 23 or chapter 53 of title 49 and transferred to other eligible passenger rail projects and activities shall be administered as the Secretary determines appropriate. The non-Federal share provisions in title 23 or chapter 53 of title 49 will continue to apply to the transferred funds.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provisions with a modification. Amtrak transferability is not adopted.

Project Approval and Oversight

Senate bill

Section 1222 amends section 106 of title 23, United States Code, which addresses Federal and State responsibilities for surface transportation projects. This section permits the Secretary to discharge to the States with their approval the Secretary's responsibilities under title 23 for the design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System (NHS). Under current law, States voluntarily oversee such activities for projects carried out with Surface Transportation Program (STP) funds, but not for NHS projects.

House bill

Subsection 501(a) consolidates and codifies the current practices used by the Secretary to approve and oversee Federal-aid highway projects and further streamlines that process. This section requires that for projects on the NHS (including the Interstate system), the Secretary and each State will enter into an agreement as to the appropriate level of

Federal oversight. The Secretary may not assume a greater degree of responsibility than under current law. For all non-NHS projects, the States will assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects. For projects on the NHS but not on the Interstate system, then a State shall assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects unless the State or the Secretary determines that such assumption is not appropriate.

Conference substitute

The Conference adopts a substitute provision. The substitute requires that the State shall assume the Secretary's responsibilities under this title for design, plans, specifications, estimates, contract awards and inspection of projects unless the States determines otherwise. In addition, the State may assume responsibility for projects on the NHS but not on the Interstate system unless the State or Secretary determines otherwise.

In any case where States must meet surface quality regulations set forth by the Federal Highway Administration, they may look for leadership to a private Midwestern engineering institute which has served as a State certifying contractor for the past eleven years. The FHWA may work with this institution in carrying out this National certification program and use the existing expertise in the area.

Financial Plan

Senate bill

Section 1222(f) requires the Secretary to prepare a financial plan for any projects with an estimated total cost of $1 billion or more.

House bill

Section 504 requires the preparation of a financial plan for any highway or transit project costing over $1 billion and that is proposed to be funded with Federal funds.

Conference substitute

The Conference adopts the Senate provisions with a modification. The provision is codified in title 23 and title 49.

Standards

Senate bill

Subsection 1222(b) eliminates the requirement that the Secretary of Transportation issue Interstate maintenance guidelines and adds that safety considerations of a project may be met by phase construction.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provisions with a modification. The substitute language clarifies that the safety considerations are to be consistent with an operative safety management system or a statewide transportation improvement program approved by the Secretary.

Repeal of Sections 100 and 117

Senate bill

Section 1222(c) repeals sections 110 and 117.

House bill

Section 501 repeals sections 110 and 117.

Conference substitute

The Conference finds provisions in both the House and Senate bills to be substantially equivalent.

Surface Transportation Innovative Financing

Senate bill

Subsection 1223(a) codifies the Department of Transportation's current administrative policy regarding innovative mechanisms applicable to transportation enhancement projects. It gives States additional flexibility by allowing them to calculate non-Federal share for enhancements projects in several ways: on a project, multiple project, or program basis. A State's average annual non-Federal share of transportation enhancement projects must be at least 20 percent; however, because of the new provision, it is feasible for a single project to have a 100 percent Federal share.

In addition, this section also reduces the current quarterly, project-by-project State certification and notification requirements to annual, program-wide approval of each State's project agreement. The current requirement that payments made by the Secretary to the States under section 133 could not exceed the Federal share of costs incurred as of the date the State requested payments is eliminated.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Surface Transportation Program

Encouragement of Youth Conservation Corps

Senate bill

The Senate bill contains no comparable provision.

House bill

Subsection 108(h) encourages the use of youth corps to perform transportation enhancement projects.

Conference substitute

The Conference adopts the House provision.

Surface Transportation Program Approval

Senate bill

Subsection 1223(b) amends section 133 of title 23 to reduce the current quarterly, project-by-project State certification and notification requirements to annual, program-wide approval of each State's project agreement.

House bill

Subsection 108(f) changes the program approval process for the Surface Transportation Program from a quarterly to an annual basis.

Conference substitute

The Conference finds both the House and Senate provisions substantially equivalent.

Payments

Senate bill

Subsection 1223(c) eliminates the current requirement that payments made by the Secretary to the States under section 133 of title 23, U.S.C. not exceed the Federal share of costs incurred as of the date the State requested payment. This simply reflects the Department of Transportation's current administrative policy regarding innovative financing mechanisms applicable to transportation enhancement projects. Innovative financing techniques will give States additional flexibility by allowing them to calculate the non-Federal share for enhancements projects on either a project, multiple project, or program basis. A State's average annual non-Federal share of transportation enhancement projects must be at least 20 percent. A single project, however, may have a 100 percent Federal share, but each State's annual enhancements programs must comply with the 20 percent non-Federal match requirement.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Design Build Contracting

Senate bill

Section 1224 provides authority, after two years of enactment of this Act, for State transportation departments to use the design-build approach for construction of eligible title 23 project segments. Design-build is an innovative method of highway contracting that is not allowed under current law. It differs from traditional contracting in that it combines, rather than separates, responsibility for the design and construction phases of a highway project. This section allows States to use their State design-build contracting procedures in statute or procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949.

The benefits of the design-build approach include greater accountability for quality and costs, less time spent coordinating designer and builder activities, firmer knowledge of project costs, and a reduced burden in administering contracts. Design-build is particularly advantageous for accelerating project delivery. For example, a study of 11 design-build projects in Florida found that this innovative contracting method produced significant improvements in project performance as compared to non-design-build projects. The average design-build construction time was 21.1 percent shorter than the average for non-design-build projects. In addition, actual design-build procurement times were 54 percent less than the normal design procurement time allocated for projects using traditional contracting methods. The design-build projects also produced a 4.7 percent reduction in after-bid changes to the contract.

Despite the potential advantages of design-build, it may not be an appropriate method for carrying out every highway project. Therefore, this section provides minimum cost requirements for potential design-build projects. To qualify for the award of a design-build contract, the cost of each usable segment of a highway project must be at least $50,000,000. In the case of an Intelligent Transportation Systems project, the total cost of the project must exceed $10,000,000.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with modifications. It allows States to use any design-build selection procedures determined appropriate by the Secretary and requires the Secretary to submit a report to Congress within 5 years after enactment of this Act. This report will analyze the effectiveness of design-build contracting procedures.

Use of Consultants (Selection Process)

Senate bill

Section 1225(c) allows a State to procure consultant services under a single contract for preparation of both the environmental analysis and subsequent engineering and design services if the State has conducted an independent multi-disciplined review of the objectivity of the analysis.

House bill

Section 104(b) allows a State to procure consultant services under one contract for the preparation of any environmental analysis as well for subsequent engineering and design services if the State has conducted a review of the objectivity of the analysis.

Conference substitute

The Conference adopts the House provision.

Eligibility of Ferry Boats

Senate bill

Section 1232 clarifies that the construction of ferry boats and ferry terminal facilities are eligible uses of National Highway System (NHS), Surface Transportation Program (STP), and Congestion Mitigation and Air Quality Improvement program (CMAQ) funds. This simply clarifies how the program is currently administered and does not amend or weaken any of the underlying eligibility requirements of the NHS, STP, or CMAQ programs.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference does not adopt the Senate provision.

Eligibility of Projects on the National Highway System

Senate bill

Section 1234 amends section 103 of title 23, United States Code, to include publicly owned intracity or intercity passenger rail capital projects, including Amtrak, as an eligible activity for National Highway System (NHS) program funds under the same criteria that apply currently to transit and non-NHS highway projects. NHS funding eligibility is amended also to include natural habitat enhancement and encourage the use of approved private-sector mitigation banks for wetlands lost through highway construction. Preference is given, to the extent practicable, to banks if they are in accordance with federal guidelines on mitigation banking and are within the service of the impacted wetland.

This section also adds the following new items to the list of projects eligible for NHS funding: (1) publicly owned intracity or intercity passenger rail or bus terminals, including those owned by Amtrak; (2) publicly owned intermodal surface freight transfer facilities, other than seaports and airports located at, or adjacent to, the NHS or connections to the NHS; (3) infrastructure-based Intelligent Transportation Systems capital improvements; and (4) publicly owned components of magnetic levitation (MAGLEV) systems.

This section also adds to the list of eligible NHS projects a paragraph applicable only to projects on the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, permitting these territories to use their NHS apportionments for any STP-eligible project, any airport, and any seaport.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a modification. The substitute does not include eligibility for intracity and intercity passenger rail under this program.

Minor Collectors

Senate bill

The Senate bill contains no comparable provision.

House bill

Subsection 108(e) allows up to 15 percent of surface transportation program funds apportioned for areas of less than 5,000 in population to be used on minor collectors.

Conference substitute

The Conference adopts the House provision with modifications.

Design Flexibility

Senate bill

Section 1236 clarifies section 109 of title 23 regarding the Secretary's responsibilities regarding planned future traffic needs and the Secretary's responsibilities in reviewing State plans for proposed highway projects. This modification eliminates the requirement that the Secretary ensure that a State plan for a highway project must accompany future traffic demands. The revised section only requires that the Secretary ensure that future traffic needs were considered.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference does not adopt the Senate provision.

State Infrastructure Banks

Senate bill

Section 1301 codifies the State Infrastructure Bank (SIB) Pilot Program authorized in the NHS Designation Act of 1995. This section includes modifications to increase the flexibility of the SIB program. The current 10-State limit on the number of participants in the SIB program is eliminated, thus enabling any State to establish a State Infrastructure Bank. The percentage limitation regarding funds a State can transfer to use State infrastructure banks is eliminated. The 10-state limit unnecessarily restricted States from pursuing this financial mechanism and the percentage limitation unnecessarily limits States' use of this mechanism. The need to maintain separate highway and transit accounts also imposed an accounting burden on States that was inconsistent with financial flexibility desired in a financing entity such as a State Infrastructure Bank.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts a substitute provision. The conference adopts a four State pilot program. The participating States are Missouri, California, Florida, and Rhode Island.

Transportation Infrastructure Finance and Innovation Act

Senate bill

Subtitle C, Chapter 2 establishes a Federal credit assistance program for major surface transportation projects under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA).

House bill

The House bill contains no comparable provision.

Conference agreement

The conference adopts the Senate provision, with certain modifications. The TIFIA program is designed to assist major surface transportation projects with their own revenue streams, which can attract substantial private capital with a limited Federal investment. This program offers the sponsors of large transportation projects a new tool to leverage limited Federal resources, stimulate additional investment in our Nation's infrastructure, and encourage greater private sector participation in meeting our transportation needs.

Eligible projects for TIFIA assistance include any projects eligible under title 23 (highway and transit capital projects) as well as international bridges and tunnels, inter-city passenger bus and rail facilities and vehicles (including Amtrak and magnetic levitation systems), and publicly-owned intermodal freight facilities. Examples of the types of projects which may benefit from this program are the Woodrow Wilson Bridge, the Farley/Pennsylvania Station project in New York City and the State of Florida's proposed high-speed rail project between Miami, Orlando and Tampa. Project sponsors may be governmental units, private entities, or public-private partnerships. The Conferees wish to reiterate language concerning the Florida high-speed rail project in the Senate committee report section on TIFIA. This project represents an effort by the State of Florida to bring a new technology to the United States by using an innovative public-private partnership that does not rely on Federal grant support. The State of Florida's request for a Federal loan equal to ⅓ of project costs should receive favorable consideration from the Department of Transportation, provided it meets program criteria.

To be eligible for credit assistance, a project must meet certain threshold criteria. It must cost at least $100 million or 50 percent of a State's annual apportionment of Federal-aid funds, whichever is less. (For intelligent transportation system projects, the minimum cost is $30 million, due to the substantial capacity enhancements attainable with but a limited investment.) The project also must have the potential to be self-supporting from user charges or other non-Federal dedicated funding sources, be on a State's transportation plan and, at the time of funding, be on a fiscally-constrained State transportation improvement program. An application for credit assistance may be submitted by a State or local government or other entity. The Secretary will select among potential candidates based on various criteria, including the project's regional or national significance, its potential economic benefits, its credit-worthiness, the degree of private sector participation, and other factors.

Forms of assistance that can be provided under this program consist of direct loans, loan guarantees, and lines of credit. In all cases the Federal role will be that of a minority investor, with Federal participation limited to not more than 33 percent of total project costs. The Secretary is authorized to enter into agreements with project sponsors containing terms and conditions designed to assist the projects in leveraging additional funds, while ensuring that the program operates in a fiscally-prudent manner. The State in which a project is located may identify a State or local government entity to assist the Secretary in servicing the Federal credit instrument.

The Secretary may provide credit assistance to demonstrate to the capital markets the viability of making transportation infrastructure investments where returns depend on residual project cash flows after servicing senior municipal revenue bonds or other capital markets debt. An objective of the program is to help the financial markets develop the capability ultimately to supplant the role of the Federal government in helping finance the costs of large projects of national significance. That is why loan guarantees are limited to major institutional lenders, such as defined benefit pension funds, which may be potential providers in the future of supplemental and subordinate capital for projects. The Conference would like the Secretary to encourage Federal borrowers to prepay their direct loans or guaranteed loans as soon as practicable from excess revenues or the proceeds of municipal or other capital market debt obligations. The Secretary also may sell off direct loans to third parties or into the capital markets, if such transactions can be arranged upon favorable terms.

The Conference recognizes that the Congress enacted the Deficit Reduction Act of 1984 provision prohibiting the combination of Federal guarantees with tax-exempt debt, because of concerns that such a double-subsidy could result in the creation of a ''AAA''

rated security superior to U.S. Treasury obligations. Accordingly, any project loan backed by a loan guarantee as provided in TIFIA must be issued on a taxable basis.

The Conference wants to ensure that projects receiving TIFIA assistance are financially-sound. Each project, at the time of its application for assistance, is required to furnish a preliminary rating opinion letter from one of the bond rating agencies identified by the Securities and Exchange Commission as a ''Nationally Recognized Statistical Rating Organization,'' indicating that the project's senior debt obligations have the potential to achieve an investment-grade bond rating. The Secretary shall consult with the Office of Management and Budget, each rating agency providing such an opinion letter, and any other financial experts the Secretary deems necessary, in order to determine the credit instrument's appropriate subsidy cost (capital reserve) pursuant to the Federal Credit Reform Act of 1990. Until such time as a formal investment-grade rating is assigned, the Secretary shall not extend credit in an amount exceeding the estimated subsidy cost. The Conference believes that analytical techniques that are widely-accepted by the capital markets, such as those used by the rating agencies to evaluate the financial stability of municipal bond insurance companies, should be drawn upon to estimate the appropriate subsidy cost.

TIFIA expressly requires that projects adhere to Title VI of the Civil Rights Act, the National Environmental Policy Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act. the Conference also recognizes that highway and transit capital projects assisted under TIFIA will retain adequate protections for labor in terms of prevailing wages, as required under title 23 provisions.

The bill provides $530 million of contract authority, funded from the Highway Trust Fund, to fund the budgetary or subsidy costs of the Federal credit instruments between fiscal years 1999–2003: $80 million in fiscal year 1999; $90 million in fiscal year 2000; $110 million in fiscal year 2001; $120 million in fiscal year 2002; and $130 million in fiscal year 2003. (As with other Federal credit programs, the non-budgetary or financing costs of the Federal credit instruments will be funded from the General Fund.). The bill caps the nominal amount of credit instruments supported by this contract authority at $1.2 billion for each of fiscal years 1998 and 1999; $1.8 billion for fiscal years 2000 and 2001; and $2.0 billion for fiscal years 2002 and 2003.

The Conferees are aware that present Federal income tax law prohibits the use of direct or indirect Federal guarantees in combination with tax-exempt debt (section 149(b) of the Internal Revenue Code of 1986. The TIFIA provisions of the conference agreement do not override or otherwise modify this provision of the Code.

The Conference finds that developing, implementing, and evaluating financial assistance programs such as TIFIA is a crucial mission of the Department of Transportation. To ensure the financial and programmatic success of TIFIA, the conference strongly encourages the Secretary to establish an organizational structure within the Department in which financial assistance activities and programs can be closely coordinated and monitored.

In order to evaluate the effectiveness of this program, the Secretary is required to submit a report to Congress within four years of the date of enactment of this bill. The report should summarize the program's financial performance to date, and recommend whether the objectives of the program would be best met by continuing the program under the authority of the Secretary, establishing a Government corporation of Government-sponsored enterprise to administer the program, or by relying upon the capital markets to fund projects of regional and national significance without Federal participation.

Operation Lifesaver

Senate bill

Section 1401 continues funding for the Operation Lifesaver program and requires a total of $500,000 for each of fiscal years 1998 through 2003 to be set-aside by the Secretary from surface transportation program funds. The funds shall be used for public education programs designed to reduce the number of accidents, deaths and injuries at highway-rail intersections and within railroad rights-of-way.

House bill

Section 104(c) extends authority for funding for Operation Lifesaver.

Conference substitute

The Conference finds both the House and Senate provision to be substantially equivalent.

Railway-Highway Crossings

Senate bill

Section 1403 amends section 130 of title 23 United States Code, and expands the eligibility of railway-highway funds to include trespassing countermeasures in the vicinity of the crossing, safety education, enforcement of traffic laws and publicly sponsored projects at privately owned railway-highway crossings. States are required to report to the Department on completed crossing projects funded under this subsection for inclusion in the DOT/American Association of Railroads National Grade Crossing Inventory.

This section eliminates the requirement that half the funds authorized under section 130 be available for installation of protective devices at railway-highway crossings. These activities, however, remain eligible for funding under this section.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference does not adopt the Senate provision.

Hazard Elimination Program

Senate bill

Section 1404 expands the eligibility of the current hazard elimination program to include a full range of safety improvements for bicyclists and pedestrians, including multimodal and community safety programs, and spot improvement programs for rapid-response of low costs hazards, such as potholes, roadway and trail debris, and unsafe drainage gates is eligible for funding under this program. This section also makes traffic calming measures eligible for hazard elimination funds. The prohibition on States using hazard elimination funds to correct hazards on routes on the Interstate system is eliminated. This section also revises the reference to ''highway safety improvement project'' in subsection 152(b) to read ''safety improvement project'' to reflect the multimodal focus of the hazard elimination program.

House bill

Section 138 requires that hazards to bicyclists are included in the hazardous locations inventory.

Conference substitute

The Conference adopts the Senate provision with modifications. It clarifies that to be eligible under this section, a project must be related to a public surface transportation facility. The Conference substitute does not allow public transportation vehicles to be eligible for these funds, nor does it allow the Secretary to determine additional appropriate projects. In carrying out this section, States should minimize any negative impact on safety and access for bicyclists and pedestrians in accordance with section 217.

Specialized Hauling

Senate bill

The Senate bill contains no comparable provisions.

House bill

Subsection 134(j) requires a study of the impact of truck weight standards on specialized hauling vehicles.

Conference substitute

The Conference adopts the House provision with a modification to require the study include, but not be limited to, an analysis of the economic, safety, and infrastructure impacts of truck weight standards.

Access for Motorcycles

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 135 specifies that State or local governments may not restrict access of motorcycles to any highway facility for which Federal-aid funds were used.

Conference substitute

The Conference adopts the House provision with modifications to clarify that this provision only applies to Federally-assisted highways open to traffic and will not override or affect the applicability of any local jurisdiction's safety laws.

232 Metropolitan Planning

Senate bill

Section 1601 retains the current structure and most of the metropolitan planning provisions found in section 134 of title 23. It retains the current project selection process set forth in ISTEA.

This section makes the following substantive changes to current law. First, this section streamlines the 16 metropolitan planning factors found in current law into seven issues to be considered in the planning process. Second, it gives States flexibility to move projects within a 3-year Transportation Improvement Program without FHWA approval if the Governor and metropolitan planning organization agree. Third, it eliminates the requirement that transportation improvement programs identify the source of funds for individual projects by Federal funding category. Fourth, this section adds freight shippers to the list of stakeholders to be given opportunities to comment on plans and transportation improvement programs (TIPs). Finally, it provides that, for urbanized areas designated after the enactment of this Act, metropolitan area boundaries shall cover at least the urbanized area and the area expected to become urbanized within the 20-year forecast period and shall require the agreement of the Governor and MPO. Such boundaries are not required to include the entire ozone or carbon monoxide non-attainment areas, as identified under the Clean Air Act.

House bill

Section 124 amends section 134 of title 23 by setting seven general goals and objectives that may be considered in the planning process. They include: supporting economic vitality; increasing safety and security; increasing accessibility and mobility; protecting the environment; integrating the transportation system; promoting efficiency; and

preserving existing facilities. These replace the existing list of nineteen planning factors. The language also includes fostering economic growth and development to the list of reasons that is in the national interest.

The section makes a number of technical changes to section 134(g) regarding long range plans. It also allows metropolitan planning organizations to include projects that would be funded if additional resources were available. The inclusion of such projects is for illustrative purposes only. The bill requires that a TIP be updated at least every three years. It also allows the metropolitan planning organizations to include projects that they would advance if additional resources were available.

Conference substitute

The Conference substitute adopts a combination of both the Senate and House provisions. The substitute retains the basic current metropolitan planning structure and processes. As included in both bills, the 16 planning factors are streamlined to seven general factors to be considered in the planning process. In considering the relationship between transportation and quality of life, metropolitan planning organizations are encouraged to consider the interaction between transportation decisions and local land use decisions appropriate to each area. The language clarifies that the failure to consider any specific factor in formulating plans, projects, programs, strategies and certification of planning processes is not reviewable in court. The Conference substitute also adopts the House provision including economic growth and development as a general requirement in metropolitan planning.

As included in both bills, freight shippers and providers of freight transportation services are included on the list of persons to be given opportunities to comment on metropolitan long-range plans and programs (TIPs) along with the addition of representatives of users of public transit. The Conference substitute also adopts the House provision allowing MPOs to include an illustrative list of projects that would be included on the TIP if additional resources were available. The illustrative list does not affect the fiscal constraint requirement of the TIP.

The Conference substitute clarifies that the expansion or designation of existing or new metropolitan planning organization boundaries due to the imposition of any new air quality standards will not automatically occur and such boundaries will be determined by agreement of the governor and the affected local governments.

Statewide Planning

Senate bill

Section 1602 retains the current structure and most of the statewide planning provisions found in section 135 of title 23. It retains the current project selection process set forth in ISTEA. This section makes the following substantive changes to current law. First, it streamlines the 20 statewide planning factors found in current law into seven broader issues to be considered in the planning process. Second, it gives States flexibility to move projects within a 3-year Transportation Improvement Program (TIP) without FHWA approval or action if the Governor and metropolitan planning organization agree. Third, it eliminates the requirement that transportation improvement programs must identify the source of funds for individual projects by Federal funding category. Finally, this section adds freight shippers to the list of stakeholders to be given opportunities to comment on plans and statewide transportation improvement programs (STIPs).

House bill

Section 125 amends section 135 of title 23 by setting the scope of the planning process. States, to the extent they determine appropriate, may consider goals and objectives in the planning process, including supporting economic vitality, increasing safety and security, increasing accessibility and mobility, protecting the environment, integrating the transportation system, promoting efficiency, and preserving existing facilities. These considerations replace the existing planning factors.

Freight shippers and freight providers are added to the list of groups that shall be allowed a reasonable opportunity to comment on the proposed long-range plan and on the proposed State transportation improvement plan. It requires that in rural areas, the transportation program be developed by the State in cooperation with local elected officials. It also allows the State to include projects that it would fund if additional resources were available. Projects undertaken pursuant to the high risk road safety program are added to the list of projects that must be selected by the State in consultation with affected local officials.

This section also includes a provision to study the effectiveness of local planning.

Conference substitute

The Conference substitute adopts a combination of both the Senate and House provisions. The substitute retains the basic statewide planning structure and processes. As included in both bills the 20 planning factors are streamlined to seven general factors to be considered in the state planning process. The language clarifies that the failure to consider any specific factor in formulating plans, projects, programs, strategies and certification of planning processes is not reviewable in court.

As included in both bills, freight shippers and providers of freight transportation services are included on the list of persons to be given opportunities to comment on statewide long-range plans and programs (TIPs), along with the addition of representatives of users of public transit. The Conference substitute also adopts the House provision allowing States to include an illustrative list of projects that would be included in the TIP if additional resources were available. The illustrative list does not affect the fiscal constraint requirements of the TIP.

The Conference substitute adopts the Senate provision, allowing States flexibility to move projects within a three-year transportation improvement program without separate approval or action by the Federal Highway Administration if the MPO concurs. The substitute also includes a provision requiring States to consult with local officials with responsibility for transportation when formulating plans and programs.

Technical Correction Federal Aid/National Highway System

Senate bill

Subsection 1701(a) amends section 103 of title 23, United States Code, to reflect that the National Highway System (NHS) has been designated by Congress. It consolidates several sections of title 23 regarding Interstate system designations and the process for adding segments to the Interstate. This section addresses interstate construction funds and unobligated balances of Interstate substitute funds, as these programs no longer exist.

The NHS consists of an interconnected system of principal arterial routes that serve major population center sand intermodal transportation facilities. Its components include the Interstate System and other urban and rural principal aerials and highways (including toll facilities) that provide motor vehicle access between major population centers, border crossings, intermodal transportation facilities, and routes important to defense within the United States. The mileage of the NHS is limited to 178,250 miles. This mileage is equal to the base amount of 155,000 miles, established in current law, plus the 15 percent increase permitted under current law. The Secretary may make modifications to the NHS routes proposed by a State if the Secretary determines that the modification meets the same criteria established under current law. Modification proposals must be coordinated among the State, local and regional officials.

An Interstate System route is to be selected by joint action of the State transportation agencies of the State in which the route is located and the adjoining States in cooperation with local and regional officials, and subject to the approval of the Secretary. The mileage of the Interstate System is limited to 43,000, an increase from the 41,000 mile limit under current law.

House bill

Subsection 106(a) strikes existing provision for the interim eligibility and approval of the National Highway System.

Conference substitute

The Conference adopts the Senate provision.

Corridor 10 Modification for West Virginia

Senate bill

The Senate bill contains no comparable provision.

House bill

Subsection 106(J) designates certain portions of Route 10 in West Virginia as part of the National Highway System.

Conference substitute

The Conference does not adopt the House provision.

Nondiscrimination

Senate bill

Section 1703 amends section 324 of title 23, U.S.C. by moving the provision on discrimination on the basis of sex to section 140 as subsection (d). Under current law, both of these sections address discrimination.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

State Transportation Department

Senate bill

Section 1704 makes technical corrections to section 302 of title 23, United States Code. It changes the term ''state highway department'' to ''state transportation department'' to emphasize and reflect the intermodal focus of these departments. It eliminates the requirement for a secondary road unit as there is no longer a secondary system and secondary plans have been eliminated. It also establishes that compliance with section 302, as revised by this section shall have no effect on the eligibility of costs. This subsection eliminates 302(b) regarding the construction of projects on the secondary system.

House bill

Section 134(g) amends title 23 to clarify that section 302 does not limit reimbursement of eligible indirect costs to State and local governments. This will make the Federal-aid Highway program consistent with other Federal programs, reducing an administrative burden caused by requiring States to develop separate accounting systems.

Conference substitute

The Conference adopts the Senate provision.

Signing Survey

Senate bill

The Senate bill contains no comparable provision.

House bill

Subsection 133(h) requires the Secretary to conduct a study to determine the practices in the States for specific service food signs.

Conference substitute

The Conference adopts the House provision with modifications. The substitute provides language to clarify that recommendations for modifications to the Manual on Uniform Traffic Control Devices for Streets and Highways that result from this study should be made only if appropriate.

Amendments to Title 23 (De-icing)

Senate bill

Section 1806 make anti-icing and de-icing compositions that are agriculturally derived, environmentally acceptable, and minimally corrosive eligible for use on bridges under the surface transportation program and on Interstate and National Highway System bridges.

House bill

Subsections 107(d) and 108(b) makes certain anti-icing and de-icing compositions used on bridges eligible under the bridge program and under the surface transportation program.

Conference substitute

The Conference adopts the House provision with modifications. The substitute deletes the reference to agriculturally-derived compositions, but environmentally acceptable compositions in general are acceptable. In addition, it ensures, that all bridges are able to use these anti-icing and de-icing components.

Penn Station Board, NY

Senate bill

Section 1810 allows the Secretary of Transportation, the Federal Railroad Administrator and their designees to serve as ex-officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Union Station Board DC

Senate bill

This provision allows the Secretary of Transportation, the Federal Railroad Administrator and their designees to serve as ex-officio members of the Board of Directors of the Union Station Redevelopment Corporation.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Study Southwest Border Infrastructure

Senate bill

Section 1813 requires the Secretary to conduct a comprehensive assessment of the state of transportation infrastructure on the southwest border between the United States and Mexico. The Secretary is required to submit the report to Congress one year after the date of enactment of this Act.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a modification to ensure that the assessment of the adequacy of law enforcement and narcotics abatement activities include their relationship to infrastructure in the border area.

Report on Utilization Potential

Senate bill

Section 1817 requires the Secretary to conduct a study of ferry transportation in the United States, including the territories, to identify existing ferry operations and develop information on the ferry routes. The Secretary is to submit the report to Congress within one year of enactment of this Act.

House bill

Section 121(b) requires the Secretary to conduct a study of ferry transportation in the United States, including the territories, to identify existing ferry operations and to identify potential domestic ferry routes. The provision requires the report to be submitted to Congress.

Conference substitute

The Conference adopts the House provision with modifications. The substitute adds language to ensure the report includes identification of funding sources for ferry construction, and the potential for high speed and alternative-fueled ferry services. It also states that the report be submitted to the Committee on the Environment and Public Works of the United States Senate, rather than the Commerce, Science and Transportation Committee.

Life Cycle Cost Analysis

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 139(a) requires life cycle costs analysis on every project under title 23 and requires the analysis to conform with the Executive Order on Infrastructure Investment.

Conference substitute

The Conference adopts the House provision with modifications. Subsection (a) eliminates the mandate that States conduct life-cycle costing procedures on each usable project segment of $5 million or more on the National Highway System. The Secretary of Transportation shall develop a set of procedures to be issued as recommendations to the States for conducting analyses of the life-cycle costs for projects on the National Highway System. In making a recommendation, the Secretary shall consult with AASHTO and include the principles identified in Executive Order 12893.

Life-cycle cost analysis is a process to reduce costs and improve quality and performance. In order to achieve these goals, the Secretary's recommendations shall suggest a uniform analysis period and uniform discount rates as established in OMB Circular A–94 for all Federal-aid National Highway System projects. The recommendation shall incorporate factors such as a documented, vigorous maintenance schedule user costs, and the life of the project. The States are encouraged to use the recommendations to the maximum extent possible on National Highway System projects.

Roadside Safety Technologies

Senate bill

Section 3107 requires the Secretary to issue guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions. States are to use this guidance in evaluating the safety and cost-effectiveness of using different crash cushion designs or other safety appurtenances.

Houser bill

Subsection 126(a) requires the issuance of guidance to the States on the proper uses of various types of crash cushions. The States shall use such guidance to evaluate the use of such devices.

Conference substitute

The Conference adopts the House provision with a modification to extend the report deadline to 18 months after enactment, rather than one year.

Traffic Flow and Roadside Safety Applications of Road Barriers

Senate bill

The Senate bill contains no comparable provision.

House bill

Subsection 126(b) requires the Secretary to conduct a study on the use of moveable barrier technologies. The provision requires the Secretary to submit a report to Congress no later than one year after enactment of this Act, and to provide the report to States for their use on appropriate projects on Federal-aid Highways.

Conference substitute

The Conference adopts the House provisions with modifications. The substitute provides language clarifying the States can use the results of the study at their discretion. In addition, the deadline for the report is extended to 18 months rather than 1 year after date of enactment.

Study: Vehicle Weight Enforcement

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 412 directs the Secretary to conduct a study on the effectiveness and deterrent value of State laws and regulations pertaining to penalties for violations of commercial motor vehicle weight laws. The Secretary shall issue a report to Congress not later than two years after enactment.

Conference substitute

The Conference adopts the House provision.

Worker Safety

Workers engage in repair, demolition, and maintenance of existing highways, highway structures, and other construction projects frequently are exposed to hazardous materials including lead and asbestos. It is well established that even though safeguards to protect workers are supposed to be place, frequently they are not adequately followed.

In 1992, NIOSH conducted a study of contamination of workers' homes with hazardous chemicals and substances transported from the workplace, the study found that such incidents have resulted in a wide range of health effects and death among workers' families exposed to toxic substances and infectious agents.

Seven Federal statutes provide Federal agencies with some mechanisms for responding to or preventing workers' home contamination. Twenty rules or standards in the Code of Federal Regulations, including regulations promulgated by the Environmental Protection Agency and OSHA, address workers' home contamination or have elements that serve to protect worker's families.

Contamination of workers' homes by hazardous substances transported from the workplace must be minimized. To accomplish this, it is essential that all workers are

equipped with suitable protective, reusable clothing, and that such clothing is either disposed of properly or laundered in certified laundry facilities that assure that contamination found in the clothing do not result in exposure in the home, exposure to workers handling the clothing, or become environmental pollutants.

Adequate safeguards and facilities exist and the Federal government through enforcement of current Federal regulations should make a greater effort to assure that these safeguards are followed. It is economically beneficial, safe for workers and their families, and environmentally sound to required recyclable or reusable work clothes when engaged in workplace activities involved exposure to hazardous substances. Only licensed laundry facilities, in compliance with Federal standards, should be utilized for the laundering of such clothing.

Uniform Transferability

Houser bill

Section 505 creates a new uniform transferability of Federal-aid highway funds in section 110 in title 23. The provision applies to any highway program or set-aside within a program which does not allow at least 50 percent of the apportioned or set-aside funds to be transferred to another category. The provision allows any State to transfer up to 50 percent of any funds apportioned to it, as well as any funds within that apportionment that have special requirements or constitute a set aside, to any other category of funds.

The section also sets rules for the transferability of certain funds set-aside within the Surface Transportation Program. For funds set-aside for the hazard mitigation and rail-highway grade crossing programs, a State may not transfer a mandatory minimum level. For funds set-aside for transportation enhancements, up to 50 percent of the funds above the level received by a State in Fiscal Year 1996 are available to be transferred. For funds apportioned for the Congestion Mitigation and Air Quality program, States may transfer up to 50 percent of the increase over its Fiscal Year 1997 apportionment.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

Midcourse Correction

House bill

Section 508 directs the Secretary to withhold certain funds for fiscal 2001 until August 1, 2001 unless Congress enacts a law making midcourse corrections to the highway and transit programs. At a minimum, the midcourse correction must include a funding distribution for the high cost interstate program, approve a system of performance bonuses, approve an Appalachian development highway system program, and approve projects within the transit capital program.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

Flexibility of Safety Programs

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1233 gives additional flexibility to safety set-aside requirements. This provision requires each State to set aside 2 percent of its Surface Transportation Program (STP) apportionment for railway-highway crossings; 2 percent of its STP funds for hazard elimination activities; and 6 percent of its STP funds for railway-highway crossings or hazard elimination activities.

Additional discretion is given to each State to transfer up to 100 percent of its 6 percent STP safety set-aside funds to its section 402 safety program or to its Motor Carrier Safety program allocation. The requirement that half the funds authorized and expended under section 130 be available for installation of protective devices at railway-highway crossings is eliminated. The revised section, however, retains this use as an eligible activity.

Conference substitute

The Conference adopts the Senate provision with a modification. The substitute does not allow transfers to the section 402 safety program or the motor carrier safety program.

Railway Crossing Hazard Elimination

House bill

Section 104(c) extends the High Speed Rail Corridors grade crossing program. Funding for the High Speed Rail Corridors grade crossing program is increased to $5.25 million per year. In addition, the subsection specifically designates the Minneapolis/St. Paul, Minnesota, to Chicago, Illinois, segment as a part of the Midwest High Speed Rail Corridor (also known as the Chicago Hub). The Minnesota, Wisconsin, and Illinois Departments of Transportation have completed preliminary feasibility studies on the Minneapolis/St. Paul-Chicago segment and the Federal Railroad Administration has provided funding for the segment under the Next Generation High Speed Rail Corridor program.

Senate amendment

Section 1402 authorizes $5 million to be set-aside from Surface Transportation Program funds in each of fiscal years 1998 to 2003 to be allocated by the Secretary to address railway-highway crossing hazards in five existing high speed rail passenger corridors and the authority to select three additional corridors. The Secretary is to consider ridership volume, maximum speeds, benefits to non-riders such as congestion relief, State and local financial support and the cooperation of the owner of the right-of-way.

The previously selected rail corridors under the program: (1) San Diego to Sacramento, CA; (2) Detroit, MI to Milwaukee, WI; (3) Miami to Tampa, FL; (4) Washington, D.C. to Charlotte, NC; (5) Vancouver, B.C. to Eugene, OR. The New York City-Albany-Buffalo high speed Empire Corridor as an example of a project that meets the intent of this section because of its current travel at high rates of speed and its level of ridership.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute includes funding for site specific corridors that were included in both the Senate and House bills. It also makes improvements to the Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.

Gulf Coast Corridor

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1402 requires the Secretary to expend funds under the railway-highway crossing hazard elimination in high speed rail corridors program for a Gulf Coast high speed railway corridor.

Conference substitute

The Conference adopts the Senate provision.

ENVIRONMENTAL STREAMLINING

House bill

Section 502 establishes a coordinated environmental review process for highway construction projects so that whenever practicable, all environmental reviews, analyses, opinions and any permits, licenses, or approvals that must be issued by a Federal agency are conducted concurrently and within cooperatively established time periods. The time periods must be consistent with those established by the Council on Environmental Quality (CEQ) in implementing NEPA. Agreed upon time periods may be extended by the Secretary, if, upon good cause shown, the Secretary and the Federal agency determine that an extension is necessary as a result of new information that could not reasonably have been anticipated when the time periods for review were established; In the event that an agency fails to complete its review or analysis within an agreed upon time period, the Secretary may close the record.

The House bill further directs the Secretary, in consultation with CEQ, to establish a State environmental review delegation pilot demonstration program to allow a limited number of States to assume responsibility for implementing NEPA for highway projects. The pilot program is authorized for three years.

Senate amendment

Section 1225 requires the Secretary to develop an integrated decisionmaking process for surface transportation projects. Using the environmental review process under the National Environmental Policy Act (NEPA), the section establishes a mechanism to coordinate the permitting process for surface transportation projects, encouraging consolidation of Federal, State, local and Tribal decisionmaking to the maximum extent practicable, and early consideration of environmental impacts. The section further encourages the use of collaborative, problem solving and consensus building approaches to implement the integrated process.

Conference substitute

The Conference adopts the House language with the following three modifications. First, the provisions establishing a pilot program to delegate responsibility for compliance with the requirements of NEPA to up to eight States is deleted. Second, the language directing agencies to provide due consideration to the determination of the Secretary with respect to the purpose and need of a highway project is deleted. Third, the conference substitute clarifies that the authority of the Secretary to close the record in the event that another agency fails to meet an agreed-upon deadline for completing its environmental review of a proposed project is limited to the record with respect to the matter before the Secretary.

Both the House and Senate bills seek to address the same concerns; the delays, unnecessary duplication of effort, and added costs often associated with the current process for reviewing and approving surface transportation projects. The U.S. Department of Transportation has, through its administrative initiatives, attempted to address some of these problems. Legislation is appropriate, however, to further improve the integration and coordination of decisions relating to highway projects. Better and earlier coordination among the agencies involved in the decisionmaking process for highway projects should help reduce conflicts and their associated delays and costs.

The fundamental goals of the environmental streamlining provisions are to establish an integrated review and permitting process that identifies key decision points

and potential conflicts as early as possible; integrates the NEPA process as early as possible; encourages full and early participation by all relevant agencies that must review a highway construction project or issue a permit, license, approval or opinion relating to the project; and establishes coordinated time schedules for agencies to act on a project.

To accomplish these goals, the Conference substitute adopts the House provision encouraging the Secretary to enter into memoranda of agreement (MOAs) with the agencies responsible for reviewing the environmental documents prepared under NEPA or for conducting other environmental reviews, analyses, opinions or issuing any licenses, permits or approvals relating to a project. It is expected that Federal, State and other agencies involved in reviewing and approving a project, or components of a project, will use the MOA process to establish cooperatively determined time periods to complete their work and, more generally, to describe how, and the extent to which, the various permitting requirements and environmental reviews relating to the project will be integrated. MOAs may include a variety of interagency agreements. In order to avoid subsequent conflicts and delays on a project, agencies are encouraged to solicit early public input in the development of an MOA.

The Conference substitute retains the House provisions regarding the joint development of time periods for each agency involved in the review and approval of a project to complete its review. The language further provides that any environmental reviews, including those required under NEPA, conducted with respect to a project shall generally be done concurrently unless conducting a concurrent review would result in a significant adverse effect on the environment, would substantively alter Federal law, or would not be possible without information developed during the review process. This last exception is intended to ensure that agencies are not put in the position of having to complete environmental reviews before they have sufficient information to conduct a meaningful review.

The provisions relating to the Secretary's authority to close the record have been modified to clarify the extent of the Secretary's authority to issue a record of decision for a project in the event that another agency fails to meet the agreed upon deadline for completing its review of any environmental documents required for the project under NEPA. The Secretary's authority to close the record authority does not extend to reviews, analyses, opinions or decisions conducted by another agency on any permit, license or approval issued by that agency. For example, if a project requires the Corps of Engineers to issue a permit under section 404 of the Clean Water Act, the Secretary may not restrict the Corps' review with respect to its decision to issue the 404 permit, even if the Corps fails to meet a deadline set forth in a MOA with the Secretary. Therefore, the conference substitute includes language affirming that the Secretary's authority to close the record is limited to the record on the matter pending before the Secretary. This still allows the Secretary to issue a record of decision on a highway project, even if other agencies have not completed their review of the environmental documents required under NEPA for the project.

The conference substitute allows the additional costs associated with Federal agencies complying with this streamlined process to be considered eligible projects expenses under the Federal-aid highway program. Such costs may only be for the additional amount the Secretary determines are necessary to Federal agencies to meet the time periods for environmental review where such time periods are less than the customary time for such review.

For purposes of this section, the term Federal agency includes any Federal agency or State agency carrying out affected responsibilities by operation of Federal law.

These provisions makes a number of significant procedural changes and improvements to the process for reviewing and approving highway projects. It is expected that the Secretary will publish regulations, after public notice and comments, to implement these new procedures.

APPLICABILITY OF NEPA

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1602(h) of the Senate bill reaffirms that the requirements of the National Environmental Policy Act (NEPA) do not apply to State plans and programs developed pursuant to sections 134 or 135 of title 23, United States Code.

Conference substitute

The Conference substitute adopts the Senate language. This provision is consistent with current law and practice. To date, State transportation plans and programs developed under sections 134 or 135 of title 23, United States Code, and decisions by the Secretary regarding those plans or programs, have not been considered to be Federal actions for purposes of NEPA. Nothing in this provision, however, is intended to prohibit a State from applying NEPA early in the decisionmaking making process for surface transportation projects, including at the planning stage, if it so chooses. Individual projects included in plans or programs continue to be subject to NEPA.

Repeat Offenders

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1405 establishes a new program to address the growing problem of repeat, hardcore drunk drivers with high alcohol concentrations. The section requires States to enact and enforce penalties for drunk drivers who have an alcohol concentration of .15 or greater, and who have been convicted of a second or subsequent drunk driving offense within 5 years. Minimum penalties shall include a license suspension of not less than 1 year, an assessment of the individual's abuse of alcohol and recommended treatment regimes as appropriate, and either an assignment of 30 days community service or 5 days of imprisonment.

States failing to enact or enforce the described minimum penalties for repeat drunk drivers with high alcohol concentrations by fiscal year 2000, will have 1½ percent of their INHS and STP funds transferred to fund alcohol-impaired driving programs. For fiscal year 2002 and 2003, States that have failed to enact or enforce a repeat intoxicated driver law will be required to transfer 3 percent of their NHS and STP funds for alcohol-impaired driving programs.

Conference substitute

The Conference adopts the Senate provisions with modifications. Instead of withholding funds, the substitute language the States in noncompliance to transfer funds to safety programs.

Seat Belt Incentive Grant

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1406 establishes a new program to encourage States to promote and increase seat belt usage in passenger motor vehicles. This new program provides incentive grants to States that either obtain a State seat belt use rate above the national average, or increase the State seat belt usage. The Secretary shall determine annually: 1) those States that achieved a usage rate higher than the national average, and the amount of Federal government budget savings from Federal medical insurance programs associated with the higher seat belt usage rate; or 2) those States that realized an increase in the seat belt rate compared with the State's base rate, and the resulting Federal government budget savings from Federal medical insurance-programs.

Under this section, the Secretary is required to allocate to each State in fiscal years 1999 through 2003 the amount of Federal medical savings that resulted from either increases in seat belt usage over the national average or increases over the State's base rate. This section provides $60 million for fiscal year 1998; $70 million for fiscal year 1999; $80 million for fiscal year 2000; $90 million for fiscal year 2001; and $100 million for each of fiscal years 2000 and 2003.

Conference substitute

The Conference adopts the Senate provision.

Scenic Byways Center, Duluth, Minnesota

House bill

Section 118(c) authorizes $1.5 million for each fiscal years 1998 through 2003 to establish a center for national scenic byways in Duluth, Minnesota. This center would provide technical communications and network support for nationally designated byway routes.

Senate amendment

The Senate contains no comparable provision.

Conference substitute

The Senate adopts the House provision. It is the Conferees intent that the Center for the National Scenic Byways be staffed by the regional planning agency located in Northeastern Minnesota. The regional planning agency located in Northeastern Minnesota has experience in transportation planning, tourism planning, resource planning, economic development and community planning. The regional planning agency has demonstrated its ability to manage scenic byway projects, develop a technical information network and provide national leadership in supporting the National Scenic Byway Program.

Wetland Restoration Pilot Program

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1503 authorizes the Secretary to establish a national wetland restoration pilot program. This discretionary pilot program shall fund restoration projects to offset the degradation of wetlands resulting from highway construction projects carried out before December 27, 1977. The Secretary is required to submit a report on the results of the program every three years. This provision provides contract authority in the amount of $12 million for fiscal year 1998; $13 million for fiscal year 1999; $14 million for fiscal year 2000; $17 million for fiscal year 2001; $20 million for fiscal year 2002; and $24 million for fiscal year 2003 to carry out this program.

This section is devoted to historic losses of wetlands only. Funds provided in this program are not intended to reward State departments of transportation for knowingly

degrading wetlands through highway construction. Therefore, the funds provided in this section are not to be used to mitigate wetlands losses from current and future highway projects or from projects carried out after December 1977.

Conference substitute

The Conference adopts the Senate provision.

TITLE II—HIGHWAY SAFETY

AMENDMENTS TO TITLE 23

House bill

This section provides that, except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provisions of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

Senate amendment

Section 3002 provides that, unless otherwise provided, statements of amendment or repeal in this title refer to sections or provisions of title 23, United States Code.

Conference substitute

No provision is included.

SEC. 2001. HIGHWAY SAFETY PROGRAMS

House bill

Sec. 202. Highway Safety Programs.

Subsection (a) amends the highway safety program to include uniform guidelines that prevent accidents. This subsection also makes a technical and conforming amendment to the highway safety program.

Subsection (b) makes several technical and conforming amendments to section 402(b).

Subsection (c) amends section 402(c) to increase the minimum annual apportionment to Indians (through the Secretary of the Interior) from one-half of one percent to three-fourths of one percent of the total apportionment under the section.

Subsection (d) amends section 402(i) to allow section 402 grants to be made to Indian tribes in Indian Country. This subsection also defines Indian Country.

Subsection (e) amends section 402(j) to delete rulemaking requirements and instead directs the States to consider highly effective programs that reduce crashes, injuries, and deaths that have been identified by the Secretary when the States develop their highway safety programs.

Senate amendment

Sec. 3101 continues the existing State and community highway safety program, established under Section 402 of title 23, United States Code, and amends the program as follows:

Subsection (a), ''Uniform Guidelines,'' and Subsection (b), ''Administrative Requirements,'' make several technical and conforming amendments to Sections 402 (a) and (b).

Subsection (c), ''Apportionment of Funds,'' makes one technical correction to Section 402(c) and one substantive amendment. To increase the effective delivery of the Section 402 program to the more than 500 Federally recognized Indian tribes, an amendment is provided to raise the minimum annual apportionment to the Indians (through the Secretary of the Interior) from one-half of one percent to three-fourths of one percent of the total apportionment under the section.

Subsection (d), ''Application in Indian Country,'' amends Section 402 to allow Section 402 grants to be made to Indian tribes in ''Indian Country.''

Subsection (e), ''Rulemaking Process,'' amends Section 402(j), which requires the periodic identification, by rulemaking, of highway safety programs that are most effective in reducing traffic crashes, injuries, and deaths. Instead of requiring the States to direct the resources of the national program to the fixed areas identified by this rulemaking process, the amendment directs the States to consider these highly effective programs when developing their highway safety programs.

Section 3105 would amend Section 402(a) of title 23, U.S. Code, to insert ''post-accident procedures, including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks as necessary to improve highway safety.''

Conference substitute

The conference agreement includes comparable provisions of the House bill and Senate amendment. In addition, subsection 202(f) of the House bill allowing States to use section 402 funds to purchase television and radio time for public service announcements is revised to include a requirement that States which use funds for such purposes submit a report to the Secretary on the effectiveness of the messages.

Section 3105 of the Senate amendment regarding enforcement of window glazing standards is included in subsection (a)(3).

SEC. 2002. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

House bill

Sec. 203. Highway Safety Research and Development.

This section amends section 403(a) relating to highway safety research and development to provide additional authority to the Secretary to engage in research focusing on training in work zone safety management.

Senate amendment

Section 3104(a)(1) amends Section 403(b)(1) of title 23, U.S. Code, to add a provision on programs to train law enforcement officers on motor vehicle pursuits conducted by police. Section 3104(a)(2), allows the Secretary to use, out of the amounts appropriated to carry out section 403 of title 23, U.S. Code, such amounts as may be necessary to carry out the motor vehicle pursuit training program of section 403(b)(1)(D) of title 23, U.S. Code, but not in excess of $1,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

Section 3104(b) directs that, not later than 180 days after the date of enactment of this Act, the Attorney General of the United States, the Secretaries of Agriculture, Interior, Treasury, the Chief of Capitol Police, and the General Services Administrator shall transmit a report to Congress on their policy concerning motor vehicle pursuits, and a description of their procedures for such training.

Subsection (h), ''Drugged Driver Research and Demonstration Program,'' amends Section 403 (Highway Safety Research and Development) of title 23, U.S. Code, to direct the Secretary to do research on (1) the relationship between the consumption and use of drugs and their effect on highway safety and drivers; and (2) driver behavior research; and measures that may deter drugged driving. Section 3103(1)(E), noted below, authorizes $2 million for each of fiscal years 1999–2003 to carry out the drugged driving research and demonstration programs under subsection (h).

Conference substitute

The Senate recedes to the House provision amending section 403(a) of title 23 regarding work zone safety management.

The House recedes with modifications to subsection 3101(h) and section 3104 of the Senate amendment to amend section 403(b) regarding drugged driving and programs to train law enforcement officers on motor vehicle pursuits conducted by law enforcement officers. Not more than $2 million per fiscal year from section 403 funds shall be available for drugged driving activities and not more than $1 million per fiscal year from section 403 funds shall be available for motor vehicle pursuit activities.

SEC. 2003. OCCUPANT PROTECTION INCENTIVE GRANTS

House bill

Sec. 204. Occupant Protection Incentive Grants.

This section establishes a new occupant protection incentive grant program under section 405 of title 23, United States Code. The Secretary is authorized to make grants to States that adopt and implement effective laws and programs aimed at increasing safety belt and child safety seat use.

New subsection 405(a) sets forth the general authority to make grants to states; requires maintenance of effort by States receiving such grants; sets forth a six-year maximum period of maximum eligibility and a federal share of 75 percent in the first two years a state receives a grant, 50 percent in the third and fourth years, and 25 percent in the fifth and sixth years.

New subsection 405(b) sets forth criteria for Grant A. A state must meet at least five (and beginning in fiscal year 2001, six) of the following: (1) a law that makes it unlawful throughout the State the operation of a passenger motor vehicle whenever a person (other than a child who is secured in a child restrain system) in the front seat of a vehicle (and beginning in fiscal year 2000, in any seat in the vehicle) does not have a safety belt properly secured about the person's body; (2) a provision in its safety belt use law that provides for its primary enforcement; (3) the State imposes a minimum fine or penalty points against an individual's driver's license for a violation of the State's safety belt use law; (4) a law requiring children up to four years of age to be properly secured in a child safety seat in all appropriate seating positions in all passenger motor vehicles; (5) a Statewide special traffic enforcement program that includes emphasis on publicity for the program; (6) a Statewide comprehensive child occupant protection education program; and (7) a law that a child up to 10 years of age (and beginning in 2003 a child up to 16 years of age) is properly restrained.

New subsection 405(c) sets forth criteria for Grant B: A State must: (1) demonstrate a Statewide safety belt use rate in both front outboard seating positions in all vehicle types of 80 percent or higher in each of the years a grant is received; and (2) follow safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

New subsection 405(d) provides that States that meet the criteria for grants A or B would receive, for each grant, up to 30 percent of its fiscal year 1997 apportionment under section 402, of title 23, United States Code.

New subsection 405(e) defines the terms ''child safety seat,'' ''motor vehicle,'' ''multipurpose passenger vehicle,'' ''passenger vehicle,'' and ''safety belt.''

New subsection 405(f) provides that administrative expenses are limited to 5 percent of program funds.

New subsection 405(g) provides that funding for the program is provided with contract authority and the non-Federal share may be provided through credits for State and local expenditures. The Secretary also has the authority to increase the Federal share for certain Indian tribe programs. The Secretary of Interior is authorized to receive funds made available for Indian tribe programs.

Senate amendment

Section 3103(g) amends title 23, U.S. Code, to establish a new occupant protection inventive program under Section 410 of title 23 (''Safety belts and occupant protection programs''), to encourage States to increase their level of effort and implement effective laws and programs aimed at increasing safety belt and child safety seat use. The new Section 410 contains two subsections—subsection (a) and subsection (b).

Under Section 410(a), a State may establish its eligibility for one or both of two basic occupant protection grants—A and B—by adopting or demonstrating certain criteria, as appropriate, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A under paragraph (1), a State must adopt or demonstrate at least 4 of the 6 following: (1) a law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body; (2) a provision in its safety belt use law that provides for its primary enforcement; (3) a law requiring minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system; and, an effective public awareness program that advocates placing passengers under the age of 13 in the back seat of a motor vehicle equipped with a passenger-side air bag whenever possible; (4) demonstrates implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag-equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems, and submits to the Secretary an evaluation or report on the effectiveness of the programs at least 3 years after receipt of the grant; (5) a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law; and (6) a statewide occupant protection Special Tariff Enforcement Program (STEP) that includes emphasis on publicity for the program.

To establish eligibility for the second basic grant B under paragraph (2), a State must: (1) demonstrate a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the first three years a grant is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant is received; and (2) follow safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

States that meet the criteria for a basic grant under paragraph (1) or (2) would receive, for each grant, up to 20 percent (up to 40 percent if they qualify for both) of their fiscal year 1997 apportionment under Section 402 of Title 23, United States Code.

States that meet the criteria for one or both of the two basic grants also would be eligible to receive supplemental grants for one or more of the following: (1) requiring the imposition of penalty points against a driver's license for violations of child passenger protection requirements; (2) having no nonmedical exemptions in effect in their safety belt and child passenger protection laws; (3) having in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat. For each supplemental grant criterion that is met, a State would receive an amount up to 5 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for ''child safety seat,'' ''motor vehicle,'' ''multipurpose passenger vehicle,'' ''passenger car,'' ''passenger motor vehicle,'' and ''safety belt.''

Under Section 410(b), subject to the availability of appropriations, the Secretary may make a grant to a State that demonstrates the implementation of a Child Occupant Protection Education Program, described in subsection (a)(1)(D), that submits an application, in the form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out activities specified in subparagraph (B) through: (1) the child occupant protection program of the State, described in subsection (a)(1)(D); and (2) at the option of the State, a grant program established by the State to provide for carrying out of 1 or more of the activities specified in subparagraph (B) by a political subdivision of the State or an appropriate private entity.

Funds provided to a State under a grant under this subsection shall be used to implement child restraint programs specified under subparagraph (B), which specifically include programs that: (1) are designed to prevent deaths and injuries to children under the age of 9; and (2) educate the public concerning 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 appropriate child restraint design, selection and placement; and harness threading and harness adjustment; and train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

The Secretary may make a grant under this subsection without regard to whether a covered State, described in subsection without regard to whether a covered State, described in subsection (a)(1)(D), is eligible to receive, or has received, a grant under subsection (a).

The appropriate official of each State that receives a grant under this subsection shall prepare, and submit to the Secretary, an annual report for the period covered by the grant. This report shall contain such information as the Secretary may require; and at a minimum, describe the program activities undertaken with the grant funds. Also, not later than 1 year after the date of the enactment of this provision, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this subsection that includes a description of the programs undertaken and materials developed and distributed by the States that receive grants under this subsection.

Separate authorizations are provided to carry out subsection (b) of $75,500,000 for each of fiscal years 1999 and 2000.

Conference substitute

The conference agreement includes provisions from the House bill and the Senate amendment. A State is eligible to receive a grant if it meets 4 of the following criteria: (1) a law that makes it unlawful to operate a vehicle whenever an individual in the front seat (and beginning in the year 2001, any seat) of a vehicle does not have a seat belt properly secured; (2) the State provides enforcement of its safety belt use laws; (3) the State imposes minimum fines or provides for penalty points for violations of its safety belt use laws or child passenger protection laws; (4) the State has implemented a statewide enforcement program; (5) the State has implemented a statewide comprehensive child passenger protection education program; and (6) the State has in effect a law that requires minors to be properly secured in a child seat or other appropriate restraint system. It is noted that States have differing laws regarding the age of ''minors'' and the provision should be implemented in a flexible manner to reflect these differences.

A qualifying State may receive a grant amount of up to 25 percent of amounts it received in fiscal year 1997 under section 402.

The conference agreement does not include the performance-based incentive grants since a $500 million performance based incentive grant is established in Title I.

The House recedes with modifications to subsection 2003(b) of the Senate amendment authorizing a two-year, $15 million general fund program to provide grants to states for child passenger protection education programs. The Senate provision is amended to require a 20 percent non-Federal match for any grant funds received by a State and annual reporting requirements are revised to require a report to the Secretary by any State receiving a grant and a report from the Secretary to Congress to be submitted not later than June 1, 2002.

SEC. 2004. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

House bill

Sec. 205. Alcohol-Impaired Driving Countermeasures.

This section amends the current section 410 to establish a new comprehensive drunk and impaired driving countermeasures incentive program to encourage States to increase their level of effort and implement effective programs aimed at deterring the drunk driver.

New subsection 410(a) sets forth the general authority for the Secretary to make grants.

New subsection 410(b) requires maintenance of effort by States receiving a grant.

New subsection 410(c) sets forth a six-year maximum period of eligibility and a federal share of 75 percent in the first two years a State receives a grant, 50 percent in the third and fourth years, and 25 percent in the fifth and sixth years.

New subsection 410(d)(1) establishes criteria for basic grant A. A State must adopt or demonstrate at least 5 of the following: (1) a State law that provides that an individual with a blood alcohol concentration (BAC) of 0.08 percent or greater while operating a motor vehicle is deemed to be driving while intoxicated; (2) an administrative driver's license suspension or revocation system for drunk drivers; (3) an effective system for preventing drivers under age 21 from obtaining alcoholic beverages and preventing persons from making alcoholic beverages available to individuals under age 21; (4) a Statewide program for stopping vehicles on a nondiscriminatory basis or a Statewide impaired driving special traffic enforcement program that includes emphasis on publicity for the program; (5) effective sanctions for repeat offenders convicted of driving while under the influence of alcohol; (6) programs to target individuals with high BAC while operating a motor vehicle; (7) programs to reduce driving while under the influence of alcohol by individuals age 21 through 34; and (8) an effective system for increasing the rate of BAC testing in fatal accidents and by the year 2000 achieves a rate of testing equal to or greater than the national average.

New subsection 410(d)(2) establishes criteria for basic grant B. A State must adopt or demonstrate to the satisfaction of the Secretary that (1) its percentage of fatally injured drivers with 0.10 percent or greater BAC has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available;

and (2) that percentage has been lower than the average percentage for all States in each of such calendar years.

New subsection 410(e) provides that States that meet the criteria for a basic grant would receive, for each grant, up to 30 percent of its fiscal year 1997 apportionment under section 402.

New subsection 410(e) authorizes the Secretary to make discretionary grants to States carrying out innovative programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances. A State is eligible to receive a discretionary grant only if the State is eligible to receive a basic grant A or B under this section. The amounts made available to carry out the discretionary grants may not exceed 12 percent of the total funds available for section 410.

New subsection 410(f) provides that administrative expenses for carrying out this section may not exceed 5 percent of the funds authorized to be appropriated for this section.

New subsection 410(g) provides that funding made available under this section would be contract authority. The Secretary is authorized to credit certain amounts of state and local expenditures toward the non-Federal share of the project under this section. The Federal share of the cost of the program for Indian tribes may be increased. Amounts made available for the Indian tribe program will be administered through the Secretary of the Interior.

New subsection 410(h) defines the terms ''alcoholic beverage,'' ''controlled substances,'' ''motor vehicle,'' and ''open alcoholic beverage container.''

Senate amendment

Subsection 3101(f) amends Section 402 to establish a comprehensive drunk and impaired driving incentive program to encourage States to increase their level of effort and implement effective programs aimed at deterring the drunk driver. The new program is similar in structure to that of the existing Section 410 drunk driving prevention incentive program, established under Section 410 of Title 23, United States Code, and would replace the Section 410 program.

A State may establish its eligibility for one or more of three basic alcohol impaired-driving countermeasure grants—A, B, and C—by adopting or demonstrating certain criteria, as appropriate, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A under paragraph (1), a State must adopt or demonstrate at least 7 of 9 of the following: (1) a law that provides for a per se law setting .08 BAC level as intoxicated; (2) an administrative driver's license suspension or revocation system for drunk drivers; (3) an effective underage drinking program for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages; (4)(A) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis to determine whether the operators are driving while under the influence of alcohol, or (B) a statewide impaired driving Special Traffic Enforcement Program (STEP) that includes emphasis on publicity for the program; (5) effective sanctions for repeat offenders convicted of driving while intoxicated or driving under the influence of alcohol; (6) a three-tiered graduated licensing system for young drivers that includes nighttime driving restriction, requiring that all vehicle occupants to be properly restrained, and providing that all drivers under age 21 are subject to zero tolerance at .02 percent BAC or greater while operating a motor vehicle; (7) programs targeting persons with high blood alcohol concentrations (BAC) who operate a motor vehicle; (8) young adult programs to reduce driving while under the influence of alcohol by persons age 21 through 34; and (9) an effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle operators at fault in fatal crashes.

To establish eligibility for the second basic grant B under paragraph (2), a State must adopt either an administrative driver's license suspension or revocation system for drunk drivers, or a law that provides for a per se law setting .08 BAC level as intoxicated.

To establish eligibility for the third basic grant C under paragraph (3), a State must demonstrate that its percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration has both: (1) decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and (2) been lower than the average percentage for all States in each of such calendar years.

States that meet the criteria for a basic grant under paragraphs (1), (2) or (3) would receive, for each grant, up to 15 percent (up to 30 percent if they qualify for two, and up to 45 percent if they qualify for all three) of their fiscal year 1997 apportionment under Section 402 of Title 23, United States Code.

States that meet the criteria for any one or more of the three basic grants also would be eligible to receive supplemental grants for one or more of the following: (1) making it unlawful to possess open containers of alcohol in the passenger area of motor vehicles (excepting charter buses) while on the road; (2) adopting a mandatory BAC testing program for drivers in crashes involving fatalities or serious injuries; (3) videotaping of drunk drivers by police; (4) adopting and enforcing a ''zero tolerance'' law providing that any person under age 21 with a BAC of .02 or greater when driving a motor vehicle shall be deemed driving while intoxicated or driving under the influence of alcohol, and further providing for a minimum suspension of the person's driver's license of not less than 30 days; (5) requiring a self-sustaining impaired driving program; (6) enacting and enforcing a law to reduce incidents of driving with suspended licenses; (7) demonstrating an effective tracking system for alcohol-impaired drivers; (8) requiring an assessment of persons convicted of abuse of controlled substances, and the assignment of treatment for all DWI and DUI offenders; (9) implementing a program to acquire passive alcohol sensors to be used by police in detecting drunk drivers; and (10) enacting and enforcing a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to a person under 21. For each supplemental grant criterion that is met, a State would receive, in no more than two fiscal years, an amount up to 5 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for ''alcoholic beverage,'' ''controlled substances,'' ''motor vehicle,'' and ''open alcoholic beverage container.''

Conference substitute

The conference agreement includes provisions of both the House bill and Senate amendment. A State is eligible to receive a grant under section 410 if it meets five of the following criteria: (A) an administrative license suspension or revocation system for drunk drivers; (B) an effective underage drinking program; (C) a statewide program for stopping vehicles on a non-discriminatory, lawful basis or a Statewide impaired driving special traffic enforcement program that includes emphasis on publicity for the program; (D) graduated licensing systems; (E) programs to target drivers with high BACs; (F) programs to reduce driving under the influence by young adults age 21 through 34; and (G) an effective system for increasing the rate of BAC testing and, by the year 2001, a rate of testing that is equal to or greater than the national average.

The conference agreement does not include a .08 BAC criteria since a $500 million .08 incentive program is included in Title I.

A qualifying State may receive a grant of up to 25 percent of amounts it received in fiscal year 1997 under section 402.

The conference agreement also authorizes the Secretary to make supplemental grants. The provision includes several of the Senate items and includes a new broad criteria. The Secretary should use the supplemental grants to assist States in developing innovative programs. The Secretary may determine the amount of each supplemental grant and is not required to provide the same amount for each grant.

The conference agreement provides that the amendments to section 410 of title 23, United States Code, take effect on October 1, 1998 so that funding provided for the remainder of fiscal year 1998 are subject to the current section 410 program requirements.

SEC. 2005. HIGHWAY SAFETY DATA IMPROVEMENTS

House bill

Sec. 206. This section amends section 406 to create a new State highway safety data improvement incentive grant program to encourage States to take effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data they need to identify the priorities for national, State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, to link these data, including traffic records, together and with other data systems within the State, such as medical and economic data, and to improve the compatibility of State systems with national and other States' data systems.

The Secretary, in consultation with States and other appropriate parties, is directed to develop model data elements for States' systems. It should be noted that subsection (b) regarding model data elements and that States' plans should demonstrate how the model data elements will be incorporated is not to be interpreted as requiring States to immediately adopt uniform data. The Committee realizes that uniform data systems and reporting may necessitate such changes as modifying computer systems and redesigning police reports. This is a long term goal and the provision directs the State to identify steps it will take to move toward the goal.

The States that receive a grant in any fiscal year must enter into an agreement with the Secretary to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its two fiscal years prior to the date of enactment of this section.

The maximum period of eligibility for a State to receive a grant would be six years, beginning after September 30, 1997. States that meet the criteria for receipt of a grant would receive grants that would be funded through a declining federal share.

A State would be eligible for a first-year grant in a fiscal year if it demonstrates that it has (1) established a highway safety data and traffic records coordinating committee with a multi-disciplinary membership; (2) completed a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and (3) initiated the development of a strategic plan that identifies and prioritizes the State's highway safety data and traffic

records needs and goals, and performance-based measures by which progress toward those goals will be determined.

A State also would be eligible for a first-year grant in a fiscal year if it provides (1) certification that it has met the requirements of (1) and (2) listed above; and (2) a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentives funds will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and (3) certification that the highway safety data and traffic records coordinating committee continues to operate and support the multi-year plan.

A State that meets certain criteria for a first-year grant would receive up to $125,000, based on available appropriations. A State that meets the additional criteria for a first-year grant would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402, except that no State would receive less than $225,000.

A State would be eligible for a grant in any fiscal year succeeding the first fiscal year in which they receive a State highway safety improvement grant if the State (1) submits or updates a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; (2) certifies that its highway safety data and traffic records coordinating committee continues to support the multi-year plan; and (3) reports annually on its progress in implementing the multi-year plan.

A State that meets the criteria for a succeeding-year grant in any fiscal year would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402 of title 23, except that no State shall receive less than $225,000 based on available appropriations.

Administrative expenses for carrying out this section may not exceed 5 percent of the funds authorized to be appropriated. The funding for grants provided under this section is provided with contract authority and the non-Federal share may be provided through credits for State and local expenditures. The Secretary also has the authority to increase the Federal share for certain Indian tribes. The Secretary of the Interior is authorized to receive funds made available for Indian tribe programs.

Senate amendment

Sec. 3101(f). The Senate bill contains a similar provision with two differences. It includes a provision authorizing the Secretary to award States that do not meet the first-year eligibility criteria up to $25,000 to assist their efforts to qualify in the next fiscal year. The Senate bill does not include a provision on model data elements.

Conference substitute

The Conference merges the House and Senate provisions by retaining the House model data elements and the Senate $25,000 grants for States that do not meet the eligibility criteria. The Conference emphasizes that while the Secretary should assist States trying to meet the eligibility criteria, the $25,000 grants are available to each State only once. If the State fails to qualify for a regular grant the next year, it would not be eligible for an additional $25,000.

The Conference also replaces the word ''causation'' with ''circumstances'' in recognition that determining accident causation precisely is difficult, even when adequate data are available. Collection of data on crash circumstances, however, will contribute to our ability to understand crash causation and identify potentially effective countermeasures.

SEC. 2006. NATIONAL DRIVER REGISTER

House bill

Sec. 207. Subsection (a) amends section 30302 (''National Driver Register'') by adding a new subsection (e). Under subsection (e), the Secretary would be authorized to enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's (NDR) computer timeshare and user assistance functions. The Secretary is required to demonstrate that any transfer of these functions will begin only after the Secretary makes a determination that all States are participating in the NDR's ''Problem Driver Pointer System'' and that the system is functioning properly. Any agreement entered into to transfer these functions shall include a provision for a transition period to allow the States time to make any budgetary and legislative changes needed in order to pay fees for using these functions. The fees charged by the organization representing the interests of the States in any fiscal year for the use of these functions shall not exceed the organization's total cost for performing these functions in that fiscal year.

Subsection (b)(1) amends Section 30305(b) to make technical conforming amendments.

Subsection (b)(2) amends section 30305(b) to add two substantive provisions. The first would eliminate a deficiency in the NDR by extending participation to federal departments or agencies that both issue motor vehicle operator's licenses and transmit reports on individuals to the NDR over whom the department or agency has such licensing authority. The reports on these individuals transmitted by the federal department or agency must contain the identifying information specified in subsection 30304(b).

Subsection (b) also would allow federal agencies authorized to receive NDR information to request and receive the information directly from the NDR, instead of through a State. The statute currently requires these agencies to submit all NDR inquiries through a State.

Subsection (c) directs the Secretary to evaluate the implementation of the NDR and motor carrier and commercial driver license information systems and identify alternatives to improve the ability of States to exchange information about unsafe drivers. The subsection further directs the Secretary to conduct an assessment, with the American Association of Motor Vehicle Administrators, of available technologies to improve access to and exchange of such information. The assessment may consider alternatives to facilitate matching drivers and their records.

Senate amendment

Sec. 3102. the Senate bill contains a nearly identical provision, but does not include the assessment and evaluation of alternatives to improve the exchange of driver information.

Conference substitute

The Conference adopts the House provision.

SEC. 2007. SAFETY STUDIES

House bill

Sec. 208. Subsection (a) authorizes the Secretary to conduct a study on the benefit to public safety of blowout-resistant tires on commercial motor vehicles.

Subsection (b) authorizes the Secretary to conduct a study to assess occupant safety in school buses.

Subsection (c) requires the Secretary to report the results of each study to Congress not later than two years after the date of enactment.

Subsection (d) authorizes the Secretary to expend no more than $200,000 to conduct each study.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with a modification that the funds for these studies shall come from funds authorized for highway safety research and development.

SEC. 2008. EFFECTIVENESS OF LAWS ESTABLISHING MAXIMUM BLOOD ALCOHOL CONCENTRATIONS

House bill

Sec. 209. Subsection (a) directs the Comptroller General to conduct a study to evaluate the effectiveness of State .08 and .02 BAC laws in reducing the number and severity of alcohol-related crashes.

Subsection (b) requires the Comptroller General to report to the Congress within two years the results of the BAC study.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision with a modification to the Senate committee receiving the report.

SEC. 2009. AUTHORIZATIONS OF APPROPRIATIONS

House bill

Sec. 210. This section provides authorizations for the section 402 program; the section 403 programs; the occupant protection, alcohol-impaired driving, and highway safety data incentive grants; and the NDR.

For the NHTSA section 402 safety program, in fiscal year 1998, $128.2 million is provided; for fiscal year 1999, $150.7 million is provided; for each of fiscal years 2000 through 2003, $195.7 million is provided.

For the FHWA section 402 safety program, in fiscal year 1998, $12 million is provided; for fiscal year 1999, $20 million is provided; for each of fiscal years 2000 through 2003, $25 million is provided.

For NHTSA section 403 research and development, $55 million is authorized for each of fiscal years 1998 through 2003.

For NHTSA section 403 research and development, $20 million is authorized for each of fiscal years 1998 through 2003.

For occupant protection incentive grants, in fiscal year 1998, $9 million is provided; in each of fiscal years 1999 through 2003, $20 million is provided.

For alcohol-impaired driving countermeasures incentive grants, in fiscal year 1998, $35 million is provided; in each of fiscal years 1999 through 2003; $45 million is provided.

For state highway safety data incentive grants, in fiscal year 1998, $2.5 million is provided; in each of fiscal years 1999 through 2003, $12 million is provided.

For the National Driver Register, $2.3 million is provided for each of fiscal years 1999 through 2003.

The Secretary may transfer unallocated incentive grant amounts among the various grant programs to ensure that each State receives the maximum funding to which it is entitled.

Senate amendment

Sec. 3103. The section authorizes funds for the section 402 program; the alcohol-impaired driving countermeasures incentive grants; the occupant protection incentive grants; the State highway safety data and

traffic records improvements incentive grants; highway safety research; public education; and the NDR.

For the section 402 safety program, in fiscal year 1998, $117.9 million is provided; for fiscal year 1999, $123.5 million is provided; for fiscal year 2000, $126.9 million is provided; for fiscal year 2001, $130.4 million is provided; for fiscal year 2002, $133.8 million is provided; for fiscal year 2003, $141.8 million is provided.

For alcohol-impaired driving countermeasures incentive grants, in fiscal year 1998, $30.6 million is provided; for fiscal year 1999, $28.5 million is provided; for fiscal year 2000, $29.3 million is provided; for fiscal year 2001, $30.1 million is provided; for fiscal year 2002, $38.7 million is provided; for fiscal year 2003, $39.8 million is provided.

For occupant protection program incentive grants, in fiscal year 1998, $13.9 million is provided; for fiscal year 1999, $14.6 million is provided; for fiscal year 2000, $15.0 million is provided; for fiscal year 2001, $15.4 million is provided; for fiscal year 2002, $17.6 million is provided; for fiscal year 2003, $17.7 million is provided.

For state highway safety data improvements incentive grants, in fiscal year 1998, $8.4 million is provided; for fiscal year 1999, $8.8 million is provided; for fiscal year 2000, $9.0 million is provided; for fiscal year 2001, $9.2 million is provided.

For drugged driving research and demonstration programs, $2.0 million is provided for each fiscal year, 1999 through 2003.

For highway safety research, $60.1 million is provided for each fiscal year, 1998 through 2002; and $61.7 million is provided for fiscal year 2003.

For programs to educate the motoring public on how to share the road safety with commercial motor vehicles, $500,000 is provided for each fiscal year 1998 through 2003.

For the National Driver Register, in fiscal year 1998, $1.6 million is provided; for fiscal year 1999, $1.7 million is provided; for fiscal year 2000, $1.7 million is provided; for fiscal year 2001, $1.8 million is provided; for fiscal year 2002, $1.8 million is provided; and for fiscal year 2003, $1.9 million is provided.

The Secretary may transfer unallocated incentive grant amounts among the various grant programs to ensure that each State receives the maximum funding to which it is entitled.

Conference substitute

The section authorizes funds for the section 402 program; highway safety research and development; the occupant protection incentive grants; the alcohol-impaired driving countermeasures incentive grants; the State highway safety data and traffic records improvements incentive grants; the NDR; and public education.

For the NHTSA and FHWA section 402 safety program, a total of $932.5 million is provided for fiscal years 1998 through 2003.

For NHTSA and FHWA highway safety research, $72 million is provided for each fiscal year, 1998 through 2003.

For occupant protection incentive grants, a total of $68 million is provided for each fiscal years 1999 through 2003.

For alcohol-impaired driving countermeasures incentive grants, a total of $219.5 million is provided for fiscal years 1998 through 2003.

For state highway safety data improvements incentive grants, a total of $32 million for fiscal years 1999 through 2002 is provided.

For the National Driver Register, a total of $12 million is provided for fiscal years 1998 through 2003.

For research related to the effects of drugs and driver behavior and measures to deter drugged driving $2 million per fiscal year is available.

For programs to train law enforcement officers on motor vehicle pursuits $1 million per fiscal year is available.

For programs to educate the motoring public on how to share the road safely with commercial motor vehicles, $500,000 is provided for each fiscal year 1998 through 2003. Because many motorists are unaware of the limitations of large commercial vehicles and the driving practices that could help improve their safety, the Committee believes it is essential to support a national public education program on sharing the road safely. Recognizing that such a national program has been undertaken by the Federal Highway Administration, the Committee believes the greatest safety benefit and efficiency would be achieved by FHWA continuing and improving its current ''share the road'' public education campaign. The Committee expects that the National Highway Traffic Safety Administration will transfer $500,000 each year from Section 403 funds as designated under this section to the Federal Highway Administration for this purpose.

The Secretary may transfer unallocated incentive grant amounts among the various grant programs to ensure that each State receives the maximum funding to which it is entitled.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE

House provision

No provision in House bill.

Senate amendment

This title to be cited as the Federal Transit Act of 1997.

Conference report

The title to be cited as the Federal Transit Act of 1998.

SEC. 3002. AMENDMENTS TO TITLE 49

House provision

Section 301 provides that, unless stated otherwise, all references in this title to a section or other provision of law are to title 49 of the United States Code.

Senate amendment

No provision included.

Conference report

Adopts House proposal.

SEC. 3003. DEFINITIONS

House provision

Section 302 amends section 5302 of title 49 to expand the definition of ''capital project'' to include transit-related intelligent transportation systems, preventive maintenance, leasing of equipment or facilities for use in mass transportation under certain circumstances, and certain mass transportation improvements that enhance economic development or incorporate private investment. It also defines preventive maintenance, public transportation, transit, and transit enhancement.

Senate amendment

Section 5003 expands and clarifies the definition of capital project under section 5302(a)(1) to add preventive maintenance and intelligent transportation systems. It also brings together existing capital provisions on leasing of transit equipment and facilities, the deployment of new technology, and joint development activities into the broadened capital definition. Joint development is expanded to include safety elements and community services as eligible activities.

Making preventive maintenance an eligible capital expense gives transit operators greater flexibility and helps to ensure that the federal investment is properly maintained. Preventive maintenance does not include routine or servicing activities or repairing damage caused by an accident.

This section also enables small urbanized areas, which are defined as having a population between 50,000 and 200,000, to use any funding distributed under the urbanized area formula program for either operating or capital expenses. This enhanced flexibility mirrors that which is currently provided to rural areas (populations under 50,000).

Conference report

Adopts Senate provision for preventive maintenance, deployment of new technology, and joint development. Adopts House provision for transit-related intelligent transportation systems and leasing.

SEC. 3004. METROPOLITAN PLANNING

House provision

Section 303 amends section 5303(b) of title 49 to repeal the current planning factors and replace them with goals and objectives of the metropolitan planning process. The metropolitan planning organization shall cooperatively determine with the State and mass transit operators how the goals and objectives considered are translated into metropolitan goals and objectives and factored into decision making.

This section allows the metropolitan planning organization to include, for illustrative purposes, additional projects that would be included in the long range transportation plan if reasonable additional resources were available. It also amends section 5303(f) to add freight shippers and providers of freight transportation services to the list of persons metropolitan planning organizations are required to give an opportunity to comment on the long range transportation plan.

Senate amendment

Section 5004 amends the current metropolitan planning provisions in sections 5303, 5304, and 5305 and adds a new section 5305a on Statewide Planning. This new section largely parallels the statewide planning provisions in the highway laws, and is included as a separate provision in the transit laws.

This section retains the requirement that MPOs follow the ISTEA planning process outlined in the law. It replaces the 16 individual planning factors in current law with a broader list of seven national goals and factors for the MPOs to consider, and retains consideration of land use. This section clarifies that consideration of these seven factors applies to the planning process as a whole, not separately to each project under review.

This section adds language directing the MPOs to cooperate with the state and transit operators, through a public process, to establish goals and propose programs relating to these factors. It adds freight shippers to the list of those who can comment on plans and transportation improvement programs. These same changes are included in the Statewide Planning provisions.

This section retains the requirement that the transportation plans be fiscally constrained. It requires MPOs to identify the funding source for projects that are proposed for the regional transportation plan.

There is new language directing MPOs to bring together the wide range of transportation services being provided within the region, many of which are funded either directly or indirectly by federal programs other than the Department of Transportation (DOT). The intent of the Committee is to encourage the participation of these non-DOT funded transportation services, either through individual or representative organizations, in coordinating regional transportation services. An analogous provision is included in the Statewide Planning provisions. The Committee recognizes elsewhere in the bill the importance of coordinating these transportation services. Indeed, the Department of Health and Human Services (HHS)

and DOT have a long-standing Coordinating Council which is evaluating the departments' current coordination strategies. The objectives of this coordination include: joint identification of human service client transportation needs and the appropriate mix of transportation services to meet those needs; the expanded use of public transit services to deliver human services program transportation; and cost-sharing arrangements for HHS program clients transported by ADA paratransit systems based on a uniform accounting system.

This section adds new language for publication of information in the 3-year transportation improvement program and the annual selection of projects.

Conference report

Adopts Senate proposal on metropolitan planning and includes the representatives of the users of public transit among those to be consulted in the planning process and for enhanced publication of information on project selection. The Senate proposal for a separate statewide planning provision in the transit laws is not adopted.

SEC. 3005. TRANSPORTATION IMPROVEMENT PROGRAM

House provision

This section amends section 5304 of title 49 to require that the transportation improvement program (TIP) be updated at least once every three years. It also provides that the TIP may include, for illustrative purposes, projects that would be included in the plan if reasonable additional resources were available.

Senate amendment

This section of the legislation requires that any metropolitan planning organization that is classified as a transportation management area and is redesignated after the enactment of this Act, shall include representatives of the users of public transit.

Conference report

Adopts Senate provision to include representatives of the users of public transit to be consulted in the planning process, and adopts House provision for illustrative list.

SEC. 3006. TRANSPORTATION MANAGEMENT AREAS

House provision

This section amends section 5305 to add projects under the high risk road safety program to the list of projects selected by the State in consultation with the metropolitan planning organization. This section also makes a technical amendment to section 5305.

Senate amendment

Section 5004 makes technical changes to section 5305 and permits the Secretary to make conditional certifications of metropolitan planning organizations.

Conference report

Provisions substantially the same.

SEC. 3007. URBANIZED AREA FORMULA GRANTS

House provision

Section 306 amends section 5307 of title 49 to change the name of the sections and to make a conforming amendments to the table of sections. It makes technical amendments to section 5307(a) of title 49, and amends section 5307(b)(1) to provide that the Secretary may make grants to finance the operating cost of equipment and facilities only to urbanized areas with populations of less than 200,000. It repeals sections 5307(b)(3) and 5307(b)(5). It also provides that of the funds apportioned each fiscal year to urbanized areas with populations of 200,000 or more under section 5336, at least two percent shall only be for transit enhancement activities.

Senate amendment

Section 5003 provides flexibility for small urbanized areas to use their formula funds for either capital or operating assistance.

Conference report

Adopts House provision.

SEC. 3008. CLEAN FUELS FORMULA GRANT PROGRAM

House provision

No provision in House bill.

Senate amendment

Section 5007 creates a new Clean Fuels formula grant program, with an annual funding authorization of $200 million. This program will assist transit systems in purchasing low emissions buses and related equipment, constructing alternative fuel fueling facilities. modifying existing garage facilities to accommodate clean fuel vehicles and assisting in the utilization of biodiesel fuel.

Annual grants to any one recipient are capped $25 million for recipients in urbanized areas over one million population and $15 million for recipients in urbanized areas under one million population. Eligible technologies include compressed natural gas (CNG), liquified natural gas (LNG), biodiesel fuel, battery, alcohol-based fuel, hybrid electric, fuel cell or other zero emissions technology.

Conference report

Adopts Senate provision.

SEC. 3009. CAPITAL INVESTMENT GRANTS AND LOANS

House provision

Section 308 makes technical changes to section 5309.

The section reforms the New Starts evaluation process and requires the Secretary to make fiscally constrained recommendations to Congress. Not more than eight percent of the funds made available in each fiscal year for new fixed guideway systems and extensions to existing systems are available for activities other than final design and construction.

This section also clarifies that the Secretary shall consider the age of buses, bus fleets, and related equipment and facilities in making grants for buses and related facilities. This section also provides funding for the bus testing facility for each of fiscal years 1998 through 2003. This section requires that a certain percentage of the funds made available for bus and bus-related facilities be available to carry out the bus technology pilot program and for non-urbanized areas. This section establishes a pilot program for the testing and deployment of new bus technology.

Senate amendment

Section 5008 amends section 5309(e)(3)(B) to add the benefits of transit-oriented land use as one of the factors to be considered by the Secretary in reviewing New Starts projects. There is a growing awareness and agreements that mass transit investment produces economic benefits, partly through reduced local infrastructure costs. This change is intended to reflect the importance of these considerations in evaluating New Starts.

This section similarly amends section 5309(m) to limit the amount of New Starts funding that can be used for purposes other than final design and construction to 8 percent of amounts made available for this program.

Conference report

Provisions substantially the same.

Houston Regional Bus Plan, Westpark Corridor.—The conferees note that under existing law, Houston Metro may apply for, and FTA may approve, the transfer of sums previously appropriated under Metro's Full Funding Grant Agreement from the development of the Westpark Corridor HOV facility to any other section 5309 project, with no effect on any other provisions of the Full Funding Grant Agreement. Accordingly the conferees encourage the Administrator, upon a receipt of such a transfer request (if so requested by Houston Metro), to work with Houston Metro officials to consider approval of such request.

SEC. 3010. DOLLAR VALUE OF MOBILITY IMPROVEMENTS

House provision

Section 309 directs the Secretary to study the dollar value of mobility improvements and report to Congress on the results.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3011. LOCAL SHARE

House provision

No provision in House bill.

Senate amendment

Section 5006 provides that the proceeds from the issuance of revenue bonds can be used as a local match.

Conference report

Adopts Senate provision with modification. If the Secretary finds that the operation of this provision benefits the transit operators, he shall recommend to Congress that a permanent change in the Federal Transit laws be made no later than the reauthorization of this Act to make the proceeds from the issuance of revenue bonds eligible for local share under section 5307 and 5309 of title 49. All Federal grant requirements apply, including the requirement that the recipient has the financial capacity to carry out the project.

SEC. 3012. INTELLIGENT TRANSPORTATION SYSTEMS APPLICATION

House provision

Section 312 makes research grants for fixed guideway technology.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3013. FORMULA GRANTS AND LOANS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES

House provision

Section 310 makes changes.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3014. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS

House provision

Section 311 makes technical changes.

Senate provision

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3015, RESEARCH, DEVELOPMENT, DEMONSTRATIONS, AND TRAINING PROJECTS

House provision

Section 312 makes technical changes. It establishes a program for Joint Partnerships for Deployment of Innovation and International Mass Transportation activities. This section also establishes a mass transportation technology development and deployment program. It also provides funding

for the fuel cell transit bus program and maintenance facility, and establishes an Advanced Technology Pilot Project for the development of low-speed magnetic levitation technology for public transportation.

Senate amendment

Section 5011 establishes a Joint Partnership Program for Deployment of Innovation to implement major research activities.

Conference report

Senate recedes to fuel cell bus, low speed mag lev proposals, and International Mass Transportation Program. Conferees adopt Joint Partnership for Deployment of Innovation.

SEC. 3016. NATIONAL PLANNING AND RESEARCH PROGRAMS

House provision

Section 313 provides additional funding for activities to help transit providers comply with the Americans With Disabilities Act.

Senate provision

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3017. NATIONAL TRANSIT INSTITUTE

House provision

Section 314 changes the name of the Institute and expands the list of subjects that may be taught at the National Transit Institute.

Senate amendment

Senate amendment amends section 5315(a) to add workplace safety to the list of subjects that may be taught at the National Transit Institute.

Conference report

Adopts House and Senate provisions.

SEC. 3018. BUS TESTING FACILITIES

House provision

Section 317 clarifies that the Secretary may enter into either a contract or cooperative agreement to operate and maintain the bus testing facility.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3019. BICYCLE FACILITIES

House provision

Section 318 increases the federal share for bicycle projects that are related to transit enhancement activities.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3020. GENERAL PROVISIONS ON ASSISTANCE

House provision

Section 319 clarifies that the incremental cost of vehicle-related equipment necessary for complying with or maintaining compliance with the Clean Air Act is reimbursable at a federal share of 90 percent.

It also provides that the Secretary may allow a manufacturer or supplier to correct an inadvertent or clerical error in a Buy America Act certification after bid opening. This section encourages coordination in the design and delivery of transportation services among governmental agencies and nonprofit organizations that provide such services. It consolidates certifications required by FTA.

Senate amendment

Section 5016 requires coordination in providing transportation services among governmental agencies and nonprofit organizations that receive federal government funds.

Conference report

Coordinated transportation provisions substantially the same. Adopts House provision on consolidated certification and on inadvertent error with modification.

SEC. 3021. PILOT PROGRAM FOR INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND

House provision

No provision.

Senate amendment

Section 5021 permits non-Amtrak states to use their formula funds for inter-city rail.

Conference report

Adopt Senate provision with modification to establish a pilot program to support Amtrak activities in Oklahoma.

SEC. 3022. CONTRACT REQUIREMENTS

House provision

Section 320 makes technical amendments relating to contracts.

Senate amendment

No provision in Senate.

Conference report

Adopts House provision.

SEC. 3023. SPECIAL PROCUREMENTS

House provision

Section 321 makes changes to the definition of a turnkey system project.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3024. PROJECT MANAGEMENT OVERSIGHT AND REVIEW

House provision

Section 322 clarifies that the Secretary may provide technical assistance to correct deficiencies identified as part of project management oversight.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3025. ADMINISTRATIVE PROCEDURES

House provision

Section 324 authorizes the Senate to collect fees to cover the costs of training and conferences sponsored by the Federal Transit Administration, and makes technical changes to this section.

Senate amendment

Section 5017 allows grantees to sell assets, including land, that are acquired with federal funds and to keep the proceeds for use in mass transportation.

Conference report

Adopts Senate provision.

SEC. 3026. REPORTS AND AUDITS

House provision

Section 325 repeals certain reports that are no longer necessary.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

SEC. 3027. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS

House provision

Section 326 gives urbanized areas with populations under 200,000 flexibility to use their apportionments for either capital or operating expenses and caps the total annual amount at $400 million both operating assistance and preventive maintenance.

Senate amendment

Section 5019 directs the Secretary, in distributing operating assistance to large urban areas, to consider the impact of any operating assistance reduction on smaller transit authorities operating within the area. This section retains operating assistance for areas over 200,000 in population.

Conference report

Conferees eliminate the cap on preventive maintenance and operating assistance, and eliminates operating assistance for areas over 200,000.

SEC. 3028. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION

House provision

Section 327 amends the fixed guideway modernization formula.

Senate amendment

Section 5019 amends the fixed guideway modernization formula.

Conference report

Senate amendment modified on the floor. Conferees adopt compromise formula allocation.

SEC. 3029. AUTHORIZATIONS

House provision

Section 328 provides authorizations for the transit programs.

Senate amendment

Section 5002 provides authorizations for the transit programs.

Conference report

Adopts House provision.

It is the intent of the Conferees that authorizations for Budget Authority in 49 USC 5338(h), as amended by this section shall be scored against current discretionary spending limits and not the Mass transit category established by Title VIII of this Act.

SEC. 3030. PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS

House provision

Section 332 authorizes New Starts projects.

Senate amendment

No provision in Senate amendment.

Conference report

Senate adopts House provision.

New Orleans Canal Street—The Federal Transit Administration shall establish and credit as local share a value of the ''neutral ground'' (median strip), which will be utilized by the project as the right of way, an amount equal to 50% of the appraised average value of the adjacent property.

Dulles Corridor—The Dulles Corridor project is for the preliminary engineering, design and construction of the locally preferred alternative along the Dulles Corridor in the Washington D.C. metropolitan area and may include construction of a bus rapid transit system and preliminary engineering and design of other fixed guideway systems to serve the needs of the corridor.

Westlake Commuter Rail—The project authorized in this section includes 8 rail cars.

SEC. 3031. PROJECTS FOR BUS AND BUS-RELATED FACILITIES

House provision

Section 333 authorizes bus and bus-facilities projects.

Senate amendment

No provision in Senate amendment.

Conference report

Senate adopts House provision.

SEC. 3032. CONTRACTING OUT STUDY

House report

Section 335 directs the Secretary to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the effect of

privatization or contracting out mass transportation services.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision. Funding for the study is $200,000. The additional $50,000 is available for administrative expenses associated with the study.

SEC. 3033. URBANIZED AREA FORMULA STUDY

House provision

Section 337 directs the Secretary to conduct a study on whether the current formula for apportioning funds to urbanized areas reflects the transit needs of the urbanized areas.

Senate amendment

Section 5020 directs the Secretary to conduct a study on the current urbanized area formula to determine whether changes in apportioning formula funds are needed for small urban areas with populations under 200,000.

Conference report

Adopts both House and Senate provisions.

SEC. 3034. COORDINATED TRANSPORTATION SERVICES

House provision

Section 338 directs the Comptroller General to conduct a study of Federal departments and agencies other than the Department of Transportation that receive federal financial assistance for non-emergency transportation services.

Senate amendment

No provision in Senate amendment.

Conference agreement

Adopts House provision.

SEC. 3035. FINAL ASSEMBLY OF BUSES

House provision

Section 339 directs the Comptroller General to review the Federal Transit Administration's monitoring of pre-award and post-delivery audits for compliance with the requirements of final assembly of buses under section 5323(j).

Senate amendment

No provision in Senate amendment.

Conference agreement

House recedes. Provision adopted that requires compliance with final assembly requirements by a date certain.

SEC. 3036. CLEAN FUEL VEHICLES

House provision

Section 340 directs the Comptroller General to study the various low and zero emission fuel technologies for transit vehicles.

Senate provision

No provision in Senate amendment.

Conference report

Adopt House provision.

SEC. 3037. JOB ACCESS AND REVERSE COMMUTE GRANTS

House provision

Section 330 establishes an Access to Jobs pilot program to fund the transportation of welfare recipients to and from jobs and job-related activities.

Senate amendment

Section 5014 establishes an Access to Jobs and Reverse Commute program to assist welfare recipients and other low-income individuals get to and from jobs.

Sixty percent of funds appropriated under this program must be awarded to projects in large urbanized areas, 20 percent to projects in small urbanized areas, and 20 percent to projects in non-urbanized areas, 20 percent to projects in small urbanized areas, and 20 percent to projects in non-urbanized areas. Grants require a 50 percent local match. Other federal funds, notably those provided through programs at the Department of Health and Human Services, may be used to meet the matching requirements.

Under this section, private transportation providers are eligible to submit proposals with states, local governments, and non-profit organizations for grants under this section. In addition, under this section, a private transportation provider shall also be considered an existing transportation service provider when the requirements of the section are met.

Conference report

Adopts Senate provision with modification. The conferees anticipate that this grant program will encourage recipients to implement long-term and self-sustaining plans to address the transportation needs of welfare recipients and eligible low-income individuals who live in areas devoid of job opportunities.

SEC. 3038. RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM

House provision

No provision in House bill.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts provision making available funds to finance the incremental cost of complying with the Department of Transportation's final rule regarding accessibility of over-the-road buses.

SEC. 3039. STUDY OF TRANSIT NEEDS IN NATIONAL PARKS AND RELATED PUBLIC LANDS

House provision

No provision in House bill.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts provision directing the Secretary of Transportation, in consultation with the Secretary of the Interior, to study transit needs in national parks.

SEC. 3040. OBLIGATION LIMITATIONS

House provision

Section 329 sets obligation limitations for the transit programs.

Senate amendment

No provision in Senate amendment.

SEC. 3041. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT

House provision

Section 331 directs the Secretary to reduce 1998 apportionments and allocations to account for the six months of funding already apportioned and allocated pursuant to the Surface Transportation Extension Act.

Senate amendment

No provision in Senate amendment.

Conference report

Adopts House provision.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 4001. AMENDMENTS TO TITLE 49, UNITED STATES CODE

House bill

Section 401 provides that, except as otherwise specifically provided, an amendment or repeal of a section or provision of law in this title shall be a reference to a section or other provision of title 49, United States Code.

Senate amendment

The Senate amendment includes an equivalent provision (Sec. 3002).

Conference substitute

The conference adopts the House provision.

SEC. 4002. STATEMENT OF PURPOSES

House bill

Section 402 (a) provides for national objectives for the motor carrier safety grant program, including promoting safety, developing and enforcing effective and cost-beneficial safety regulations, assessing and measuring performance, ensuring adequate training of drivers and enforcement personnel, and advancing new technologies and safe operational practices.

Senate amendment

Section 3401 proposes to establish a statement of descriptive purposes of the Motor Carrier Safety Act. These purposes are to: improve commercial motor vehicle and driver safety; facilitate the ability to focus resources on strategic safety investments; increase administrative flexibility; strengthen enforcement activities; invest in activities related to areas of the greatest crash reduction; identify high risk carriers and drivers; and, improve information and analysis systems.

Conference substitute

The conference adopts the ''statement of purposes'' approach as outlined in the Senate provision and incorporates descriptive provisions from both bills.

SEC. 4003. STATE GRANTS

House bill

Subsection (a) of Sec. 402 amends section 31101 to revise the definition of ''commercial motor vehicle'' to include vehicles with a gross vehicle weight of at least 10,001 pounds (in addition to the gross vehicle weight rating).

Subsection (b) amends section 31102 to include reference to the ''improvement'' of motor carrier safety and includes references to hazardous materials transportation safety as a part of the state grant programs.

Subsection (c) amends section 31102(b)(1) of make technical changes in the state plans required as a condition of receiving federal motor carrier safety grants. Requirements that the state plan implement performance-based activities by fiscal year 2003, that States establish programs to ensure proper and timely correction of safety violations, and that States ensure roadside inspections are done at a safe distance from the roadway are added.

Subsection (d) amends section 31102 to include a reference to improving commercial vehicle safety, in addition to enforing regulations, as activities eligible for reimbusement.

Subsection (e) amends section 31104(a) to provide annual authorization for federal motor carrier safety grants. In fiscal year 1998, $78 million is provided; in fiscal year 1999, $110 million is provided; and in each of fiscal years 2000 through 2003, $130 million is provided.

Subsection (f) amends section 31104(b) to delete an outdated provision.

Subsection (g) amends section 31104(f) to provide that the Secretary shall allocate amounts to States with approved state plans and shall determine criteria for allocation. The Secretary may designate up to 5 percent of funds made available under the state grant program for reimbursement of State and local government high priority activities which improve commercial vehicle safety. Section 31104(g) is deleted to provide greater flexibility to states in activities to be funded with federal safety grants. Other technical and conforming changes are made.

Subsection (h) makes a conforming amendment to the table of sections for chapter 311.

Senate amendment

Sections 3402–3404 of the Senate bill contain similar provisions. Section 3402 provides

that states implement by 2000 performance-based motor carrier safety components in the motor carrier safety assistance program (MCSAP) plans they submit to the Department of Transportation (DOT). The section further requires DOT to ensure that: State motor carrier safety programs are consistent, effective, and contain reasonable sanctions; data collection and information systems are coordinated with State highway safety programs; and, the participation in SAFETYNET by all jurisdictions receiving motor carrier safety assistance grant funds.

Section 3403 allows motor carrier safety assistance grants to be used to enforce rules aimed at improving hazardous materials transportation safety.

Section 3404(a) amends section 31104(a) to provide annual authorizations for federal motor carrier safety grants. The funding levels authorized are: $80 million for fiscal year 1998; $100 million for fiscal year 1999; $97 million for fiscal year 2000; $94 million for fiscal year 2001; and, $90.5 million in fiscal years 2002 and 2003.

Section 3404(c) amends section 31104(f) to provide that the Secretary shall allocate amounts to States with approved state plans and shall determine the criteria for allocation. The Secretary may designate up to 5 percent of funds made available under the state grant program for reimbursement of State and local government high priority activities which improve commercial vehicle safety. Section 31104(g) is deleted to provide greater flexibility to states in activities to be funded with federal safety grants. Other technical and conforming changes are made.

Conference substitute

The conference adopts the House approach, with modifications. The conference includes the Senate provision for states to implement performance-based MCSAP plans by 2000. The conference accepts the House bill's concept that States ensure roadside inspections are performed at a safe distance from the roadway, but substitutes the word ''location'' for clarification. The conference authorizes the following funding levels for the program: $79 million for fiscal year 1998; $90 million for fiscal year 1999; $95 million for fiscal year 2000; $100 million for fiscal year 2001; $105 million for fiscal year 2002; and, $110 million for fiscal year 2003. The conference agreement modifies the High Priority and Border discretionary programs by allowing the Secretary to designate up to 5 percent of MCSAP funds for States, local governments, and other persons for carrying out activities and programs that improve commercial motor vehicle safety and compliance with safety regulations. A similar designation is permitted for States, local governments, and other persons to carry out border commercial motor vehicle safety programs and enforcement activities and projects.

SEC. 4004. INFORMATION SYSTEMS

House bill

Subsection (a) of Section 403 replaces the current section 31106 to provide greater authority and flexibility to the Secretary in establishing and operating motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety activities. The Secretary shall work in coordination with the States in developing and maintaining systems which identify and collect data; evaluate the safety fitness of carriers, vehicles, and drivers; develop strategies to mitigate safety problems and measure effectiveness; determine cost-effectiveness of Federal and State safety programs; and adapt, improve and incorporate other information and systems as determined appropriate. The Secretary may prescribe technical and operational standards. The Secretary is directed to include as part of the information systems authorized, a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the motor carriers operating the vehicles. The Secretary is authorized to establish a program to improve commercial motor vehicle driving safety to enhance the exchange of driver licensing information, provide information to the judicial system on drivers, and develop strategies and countermeasures to improve driver safety. This section includes provisions relating to cooperative agreements, grants and contracts and sets forth the availability of information collected in the systems to States, local officials, and the public.

The current section 31107, an outdated provision, is deleted and replaced with authorizations for the information systems under section 31106. In fiscal year 1998, $7 million is provided; in fiscal year 1999, $15 million is provided; and in each of fiscal years 2000 through 2003, $20 million is provided. Other technical and conforming amendments to title 49 are made.

Senate amendment

Section 3405 substitutes the existing Commercial Motor Vehicle information system with a new information system. The section requires the new information network to be capable of identifying motor carriers and drivers, tracking commercial motor vehicle registration and commercial motor vehicle driver licensing, and providing motor carrier and driver safety performance data. The section requires the system to have the capability to utilize the information in order to develop strategies to address safety problems and to measure the effectiveness of those strategies. The section further requires the Secretary to prescribe technical and operation standards to ensure the uniform, timely and accurate information collection and reporting by the States.

This section also authorizes the Secretary to establish a commercial motor vehicle safety program that enhances the exchange of driver licensing information, provides information to the judicial system on the program, and evaluates appropriate driver performance and safety aspects. The section permits the Secretary to enter into agreements with other Federal agencies and other parties to carry out the new information and commercial motor vehicle safety program.

Conference substitute

The conference merges the House and Senate language on the information systems and data analysis program elements. The conference requires the Secretary to prescribe technical and operational standards to ensure uniform, timely, and accurate information collection and reporting by the States and other entities. The conference authorizes assistance to help States develop or implement the information systems established under the section. The conference authorizes the following funding levels for the information systems and data analysis program: $6 million for fiscal year 1998; $10 million for each of fiscal years 1999 and 2000; $12 million for each of fiscal years 2001 and 2002; and, $15 million for fiscal year 2003. The conference further authorizes the Secretary to allocate up to 50 percent of the authorized funding to establish the information clearinghouse directed under this section, and encourages the Secretary to focus its resources on assisting those states that have not previously received such assistance to develop or implement information systems.

The conference is providing separate funding for information systems and analysis because they are critical to the successful adoption of performance-based regulations and oversight. The Secretary should ensure that the data in these systems is accurate and timely. In addition, the conference expects the Secretary to develop systems that are linked, providing complete information rapidly to inspectors and safety officers.

Finally, while the conference recognizes the benefits such information systems can provide, the conference also recognizes the need for safeguards to protect individuals and companies' privacy. Therefore, the Secretary should carefully develop the information availability policy called for in the new subsection (e).

SEC. 4005. AUTOMOBILE TRANSPORTER DEFINED

House bill

Section 404 amends section 31111(a) to define ''automobile transporter'' as any vehicle combination designed and used specifically for the transport of assembled highway vehicles.

Senate amendment

The Senate amendment includes a similar provision. Section 3410 defines automobile transporter to mean any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units.

Conference substitute

The conference adopts the Senate provision. The conference notes that the phrase ''truck camper units'' is defined in the ANSI A119.2/NFPA 501C standard on recreational vehicles as ''a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck'' (1996 edition).

SEC. 4006. INSPECTIONS AND REPORTS

House bill

Subsection (a) amends section 31133(a)(1) to allow the Secretary to make contracts for inspections and investigations.

Subsection (b) amends section 504 to allow a contractor, designated by the Secretary, to make inspections of equipment of a carrier and make inspections of records of carriers.

Senate amendment

Section 3411 of the Senate amendment provides for an identical provision.

Conference substitute

The conference adopts the provision.

SEC. 4007. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS

House bill

Section 406 establishes a new process for granting regulatory exemptions, coupled with a process for the Secretary to carry out pilot programs. Subsection (a) replaces the current waiver authority in section 31315 with a new provision relating to authority and standards for exemptions (to replace waiver authority provided in section 31136(e) and 31315) and pilot programs.

New subsection 31315(a) provides that the Secretary may grant to a person or class of persons a temporary exemption from regulations issued under chapter 313 or section 31136 if the Secretary finds such exemption would likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. Exemptions shall be for a 2-year period and may be renewed. An exemption may be revoked if the terms and conditions are not met or if the exemption is not consistent with safety goals. The Secretary shall specify by regulation the procedures for requesting exemptions, but certain minimum requirements are set forth. Requests for exemptions shall be published in the Federal Register and the

public shall be given an opportunity to comment. Any exemptions granted shall be published in the Federal Register, along with terms and conditions of the exemption and effective period. Any exemptions denied shall be published in the Federal Register, with the reasons for denial. The Secretary shall act on each exemption request within 180 days or shall publish in the Federal Register why the decision will be delayed and an estimate of when the decision will be made. Terms and conditions of an exemption may be specified and appropriate state compliance and enforcement personnel shall be notified of an exemption provided.

New subsection 31315(b) provides authority to the Secretary to conduct pilot programs to evaluate innovative approaches to motor carrier, vehicle, and driver safety. Pilots may include exemptions from regulations. Proposed pilot programs shall be published in the Federal Register and the public shall be given an opportunity to comment. Certain minimum program elements for pilot programs are specified. The Secretary may revoke participation in or terminate a pilot program. A report shall be issued to Congress at the conclusion of each pilot program.

New subsection 31315(c) provides that, during the time period an exemption or pilot program is in effect, no State shall enforce a law or regulation that conflicts with or is inconsistent with an exemption or pilot program with respect to a person exercising the exemption or participating in the pilot program.

Subsections (b) and (c) make conforming amendments.

Senate amendment

Section 3421 authorizes the Secretary to initiate programs to examine innovative approaches or alternatives to certain commercial motor carrier safety regulations. This section provides the Secretary broader discretion to grant waivers and exemptions from motor carrier and driver safety regulations which are necessary to develop performance based regulations and evaluate the effectiveness of existing regulations.

This section recognizes that revising the waiver provisions in Section 31136 of Subchapter III, Safety Regulations and Section 31315 of Chapter 313, Commercial Motor Vehicle Operators is necessary because of the strict interpretation given to section 31136(e) by the D.C. Circuit Court of Appeals in___AHAS v. FHWA,___28 F.3d 1288 (1994), limiting the ability of the Secretary to issue waivers and exemptions. The Court found that the statutory language required the Secretary to determine, before issuing any waiver, that no diminution in safety would result, i.e., that it be determined beforehand there would be absolutely no increase in crashes as a result of the waivers. To deal with the decision, this section substitutes the term ''equivalent'' to describe a reasonable expectation that safety will not be compromised. In the absence of greater discretion to deal with waivers and exemptions and a new standard by which to judge them, the Congress would continue to be the only source to provide regulatory exemptions.

The National Highway System Designation Act of 1995 (NHS) required the establishment of criteria and a program to grant and monitor exemptions from a broad range of safety regulations for commercial vehicles over 10,000 pounds but less than 26,000 pounds. This approach is a model for the exemption pilot program established by this section. The new waiver and exemption provision requires the Secretary to issue regulations that will outline a process for issuing waivers, procedures for conducting pilot projects or demonstration programs to evaluate the safety performance of a regulation or part of a regulation, and conditions under which exemptions from motor carrier safety regulations will be considered.

This section distinguishes between the terms ''waiver'' and ''exemption,'' primarily by scope and duration. It provides the Secretary the authority to: issue a waiver for a relatively short term, for a specific purpose to a particular person or group of persons, under conditions defined in the waivers (e.g., circus vehicles under escort from railhead to exhibition site for the duration of the appearance); issue an exemption for up to two years, with a renewable two-year feature, limited to a class of persons, vehicles or circumstances (e.g., relief from certain requirements for well-defined operations with low risk histories and alternative management controls); and perform pilot projects or demonstration projects, using either a waiver or exemption or combination, to examine whether alternatives to regulatory requirements, particularly record keeping, are as effective in producing safety benefits.

This section permits the Secretary to grant a waiver without advance public notice, but a record would have to be maintained. An exemption may be granted after notice and opportunity for comment and either a safety demonstration project or safety analysis was performed. The Secretary could initiate pilot projects or demonstration programs to examine whether a new requirement should become a regulation, whether performance under existing regulations is effective in producing the desired safety result, and whether alternative methods can produce the same safety benefit with less regulatory burden. Before any pilot project or demonstration program is undertaken, notice and opportunity for comment must be given to the public. It is expected the Secretary would issue regulations to provide that safety would be the primary consideration in deciding whether any waiver or exemption should be issued, or any pilot program initiated.

Conference substitute

The conference adopts a compromise provision, which includes basic provisions of both the House and Senate bills.

Subsection (a) authorizes the Secretary to grant regulatory waivers if such action would be in the public interest and a level of safety is expected to be achieved that is equivalent to or greater than the level of safety obtained under regulatory compliance. A waiver would not be permitted to be granted beyond a 3 month period, must be limited in scope and circumstances for special, non-emergency situations, and could include conditions as deemed appropriate by the Secretary. The conference expects the Secretary would issue guidelines to provide for a reasonable process under which waivers may be requested and considered.

Subsection (b) authorizes the Secretary to grant regulatory exemptions and Subsection (c) authorizes the Secretary to conduct pilot programs to evaluate innovative approaches and alternatives to regulations.

The conference acknowledges that many motor carrier groups have sought statutory exemptions during the development of this legislation and such requests should be considered by the Secretary after evaluating their merits under this provision. The conferees believe the pilots authorized under this section should include a reasonable number of participants to enable the Secretary to assess the safety impact of the pilots' results.

The conference expects the Secretary to use this authority judiciously. Pilot programs should be carefully designed and implemented to both protect the participants and the public, while yielding useful information to support future rulemaking proceedings and improve the efficiency of oversight activities.

SEC. 4008. SAFETY REGULATION

House bill

Subsection (a) of Section 407 amends section 31132(1)(A) to include in the definition of commercial motor vehicle those vehicles with a gross vehicle weight of at least 10,001 pounds (in addition to those vehicles which have such a rating). Section 31132(1)(B) is amended to refer to vehicles designed to carry 8 passengers, including the driver.

Subsection (b) deletes section 31134 relating to the Commercial Motor Vehicle Safety Regulatory Review Panel which has completed it responsibilities.

Subsection (c) deletes section 31140 relating to the Commercial Motor Vehicle Safety Regulatory Review Panel and its review of State laws and regulations.

Subsection (d) amends section 31141 to delete references to the Commercial Motor Vehicle Safety Regulatory Review Panel and makes conforming and technical changes to the review of State laws and regulations by the Secretary.

Subsections (e) and (f) make technical amendments to section 31142.

Senate amendment

The Senate amendment includes similar provisions. Section 3411(f) amends the definition of commercial motor vehicle in Section 31132(1) of title 49, U.S.C., to include vehicles with a gross vehicle weight of at least 10,001 pounds (in addition to the gross vehicle weight rating).

Section 3411(a) repeals the current review panel process that reviews state laws for compatibility with Federal commercial motor vehicle safety regulations. Section 3411(b) repeals the panel procedures and replaces them with a review process to be administered by the Secretary.

Conference substitute

The conference follows the House approach.

SEC. 4009. SAFETY FITNESS

House bill

Subsection (a) of Section 419 of the House bill amends section 31144 to revise procedures and provisions relating to safety fitness determinations of owners and operators. The Secretary is directed to determine whether owners and operators are fit to safely operate commercial motor vehicles, periodically update determinations, make the determinations available to the public, and prescribe by regulation penalties for violations. The Secretary is to maintain by regulation a process to determine fitness.

An owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines the owner or operator is fit.

In the case of those transporting passengers or hazardous materials, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines the owner or operator is fit.

With the exception of those transporting passengers or hazardous materials, the Secretary may allow an owner or operator to continue to operate beyond the 61st day if the owner or operator is making a good faith effort to become fit.

The Secretary must review the determination that an owner or operator is unfit not

later than 45 days after the unfit owner or operator requests a review, and within 30 days in the case of owners or operators transporting passengers or hazardous materials.

A department, agency, or instrumentality of the U.S. Government may not use to provide any transportation service an owner or operator determined unfit by the Secretary, until the Secretary determines such owner or operator is fit.

Subsection (b) makes a conforming amendment to section 5113 of title 49.

Senate amendment

Section 3411(d) directs the Secretary to maintain in regulation a procedure for determining the safety fitness of owners and operators of commercial motor vehicles. The section requires the procedures to include the requirements that owners and operators of commercial motor vehicles must meet to demonstrate safety fitness; a means used to decide whether the owners, operators, or other persons meet safety fitness requirements; and deadlines for action by the Secretary in making fitness determinations. Subsection (d) prohibits a motor carrier that fails to meet the safety fitness requirements established by the Secretary from operating in interstate commerce. The subsection permits the Secretary to extend the time limit granted for a motor carrier to come into compliance after a determination that the motor carrier fails to meet safety fitness requirements.

Conference substitute

The conference follows the House approach. The conference requires the Secretary to periodically update safety fitness determinations of owners and operators and to make such final safety fitness determinations readily available to the public. The publication of final safety fitness determinations does not preclude the ability of the Secretary to review the safety fitness of owners and operators. However, the conference would not expect preliminary data analysis or preliminary safety fitness information to be publicly available.

SECTION 4010. REPEAL OF CERTAIN OBSOLETE MISCELLANEOUS AUTHORITIES

House bill

Section 409 repeals subchapter IV (sections 31161 and 31162) which are unnecessary and burdensome provisions.

Senate amendment

The Senate bill includes an equivalent provision (Sec. 3411(c)(2)).

Conference substitute

The conference adopts the provision.

SECTION 4011. COMMERCIAL VEHICLE OPERATORS

House bill

Subsection (a) of Section 410 amends the definition of commercial motor vehicle in section 31301 to include vehicles with a gross vehicle weight of at least 26,001 pounds (in addition to gross vehicle weight rating).

Subsection (b) amends section 31302 to clarify that an individual may operate commercial motor vehicle only if the individual has a valid commercial driver's license (CDL) and that an operator may have only one driver's license at any time.

Subsection (c) amends section 31308(2) to require that CDLs must include unique identifiers to minimize fraud and duplication.

Subsection (d) amends section 31309 to clarify that the commercial drivers license information system is maintained by the Secretary and shall be maintained in coordination with activities carried out under section 31106. Certain other clarifying and technical amendments are made.

Subsection (e) repeals obsolete state grant programs regarding testing and licensing of commercial vehicle drivers.

Senate amendment

The provisions are similar. Section 3212(f)(1) amends the definition of commercial motor vehicle in each place it appears in section 31301 to include vehicles with a gross vehicle weight of at least 26,001 pounds (in addition to gross vehicle weight rating).

Section 3212(f)(2) inserts the word ''is'' at two places section 31301 subparagraph (C).

Section 3416(b) amends the definition with respect to motor carriers of passengers and section 3416(c) provides that regulations would apply to such carriers 12 months after the date of enactment, unless the Secretary determines it would be appropriate to exempt them.

Conference substitute

The conference adopts the House approach.

SEC. 4012. UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3424 provides a process for an emergency exemption to allow utility drivers to serve customers during times of emergencies declared by elected State or local officials and provides for monitoring of any safety impacts associated with such exemptions.

Conference substitute

The conference adopts the Senate provision.

SEC. 4013. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT

House bill

Section 413 of the House bill repeals obsolete sections of chapter 317 (sections 31702, 31703, and 31708) relating to a working group and grants to encourage participation in the International Fuel Tax Agreement and International Registration Plan.

Senate amendment

Section 3414 of the Senate bill is identical to the House provision.

Conference substitute

The conference adopts the provision.

SEC. 4014. SAFETY PERFORMANCE HISTORY OF DRIVERS; LIMITATION ON LIABILITY

House bill

No comparable provision.

Senate amendment

Section 3412(g) of the Senate bill amends Chapter 5 of Title 49, United States Code. The provision bars an action for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records of an individual under consideration for employment as a commercial motor vehicle driver against a person who has complied with such a request or his agents or insurers. The bar does not apply to a motor carrier requesting the records unless the motor carrier, the person complying with the request and their agents have taken all precautions reasonably necessary to ensure the accuracy of the records and to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual, and complied fully with all the regulations issued by the Secretary of Transportation in using and furnishing the records.

The bar also does not apply to a person complying with a request unless the motor carrier requesting the records, the complying person, and their agents have taken all reasonably necessary precautions to ensure the accuracy of the records and to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual.

State and local law is preempted to the extent that it prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary.

Conference substitute

The conference adopts the Senate provision with modification. The conference agreement adds a requirement that as a part of the rulemaking the Secretary is conducting under section 114 of the Hazardous Materials Transportation Authorization Act of 1994 (108 Stat. 1677–1678) to amend Section 391.23 of title 49, Code of Federal Regulations, that the Secretary provide protection for driver privacy and establish procedures for review, correction, and rebuttal of the safety performance records of a driver. The conference further directs the Secretary to complete the rulemaking by January 31, 1999. The liability waiver will become effective on the same date.

SEC. 4015. PENALTIES

House bill

No comparable provision.

Senate amendment

Section 3412 of the Senate bill amends section 521 of Title 49, United States Code. This section excepts from the penalties provision of section 521(b)(1) ''reporting and record keeping violations''. This section also strikes ''fix a reasonable time for abatement of the violation'' from subparagraph (A).

Section 521(b)(2) is amended by deleting ''reckless disregard'' and ''gross negligence'' from the liability standard for the penalty section.

A new subsection (B) is added entitled ''Recordkeeping and Reporting Violations'' which specifies penalties for such violations.

Conference substitute

The conference adopts the Senate provision.

SEC. 4016. AUTHORITY OVER CHARTER BUS TRANSPORTATION

House bill

No comparable provision.

Senate amendment

Section 3417 of the Senate bill amends Section 14501(a) of Title 49, United States Code. The provision strikes the authority of the states to regulate intrastate and interstate charter bus transportation.

Conference substitute

The conference adopts the Senate provision with modification. A clarifying provision is included to ensure that states may continue to regulate safety with respect to motor vehicles and to impose highway route controls or limitations based on the size or weight of the motor vehicle or with regard to minimum amounts of financial responsibility relating to insurance requirements. The conference also notes that the provision does not limit a State's ability to regulate taxicab service or limousine livery service.

SEC. 4017. TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS

House bill

Subsection (a) of Section 414 directs the Secretary to establish, for a period of at least 2 years, 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 other laws and regulations relating to safety.

Subsection (b) provides that information received shall be used in setting priorities for safety audits and other enforcement activities.

Subsection (c) provides that a person reporting a potential violation shall be provided the protections of section 31105.

Subsection (d) provides that up to $300,000 from administrative expenses may be used per fiscal year to carry out this section.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with minor modifications and authorizes the Secretary to spend no more than $250,000 of funding available for general operating expenses in any fiscal year to carry out this directive.

SEC. 4018. INSULIN TREATED DIABETES MELLITUS STUDY

House bill

Subsection (a) of Section 415 directs the Secretary of Transportation to determine within 18 months whether a safe, practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal or greater than that achieved with the current prohibition on such drivers.

Subsection (b) directs the Secretary to compile and evaluate research and other information, to consult with States who have developed and are implementing a screening process, to evaluate the Department's policy and actions to permit individuals with insulin treated diabetes mellitus to operate in other modes of transportation, and to consult with certain groups.

Subsection (c) directs that, if it is determined that a protocol can be developed, the Secretary shall report to Congress the basis for such determination.

Subsection (d) directs that, if it is determined that a protocol can be developed, the Secretary shall report to Congress on the elements to be included in such a protocol and promptly initiate a rulemaking implementing the protocol.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with the addition of a requirement that the Secretary of Transportation also assess any legal consequences of permitting insulin treated diabetes mellitus individuals to drive commercial motor vehicles in interstate commerce. The standard in subsection (a) is intended to ensure that insulin treated diabetes mellitus individuals be held to a level of safety comparable to that required of other qualified commercial drivers and not to a higher standard.

SEC. 4019. PERFORMANCE-BASED CDL TESTING

House bill

Subsection (a) of Section 416 directs the Secretary of Transportation to review the procedures established and implemented by States for testing operators of commercial motor vehicles to determine if the system accurately reflects an individual's knowledge and skills as a commercial motor vehicle operator and to identify methods to improve testing and licensing standards, including the benefits and costs of a graduated licensing system.

Subsection (b) provides that, not later than one year following such review, the Secretary shall issue regulations under section 31305 of title 49, relating to CDLs which reflect the results of the review.

Senate amendment

Section 3412 amends Section 31305(a) by giving the Secretary of Transportation the authority to establish performance-based testing and licensing standards that more accurately measure and reflect an individual's knowledge and skills as an operator.

Conference substitute

The conference adopts the House provision.

SEC. 4020. POST-ACCIDENT ALCOHOL TESTING

House bill

Section 417 requires the Secretary to conduct a study of the feasibility of utilizing emergency responders and law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with modification. The modifications require the study to address the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing, as well as the ability of motor carrier employers to meet the current post-accident alcohol testing requirements imposed under section 31306. The reference in the House provision to ''emergency responders'' is deleted from the study requirements.

SEC. 4021. DRIVER FATIGUE

House bill

Subsection (a) of Section 418 directs the Secretary, as part of ongoing activities relating to fatigue of commercial motor vehicle operators, to encourage the development of technologies that may aid in reducing fatigue. Subsection (a)(2) sets forth factors to be considered, including the degree to which the technology will be cost efficient, can be used in various climates, and will reduce emissions, conserve energy, and further other transportation goals. Subsection (a)(3) provides that funds made available under subparagraphs (F) through (I) of section 127(a)(3) of the bill may be used to carry out this section.

Subsection (b) directs the Secretary to review potential safety benefits of the use of non-sedating antihistamines by operators of commercial vehicles and to consider encouraging the use of such antihistamines.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision with minor modifications.

SEC. 4022. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM

House bill

No comparable provision.

Senate amendment

Section 3406 requires the Secretary of Transportation to carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers. The program shall: (1) determine to what extent driver performance records data, including relevant fines, penalties and failure to appear for a hearing or trial, should be included as part of any information systems; (2) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and (3) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

Conference substitute

The conference adopts the Senate provision with the proviso that at the end of the pilot program the Secretary shall begin, if appropriate, a rulemaking to revise the information system under section 31309 of Title 49, United States Code.

SEC. 4023. EMPLOYEE PROTECTIONS

House bill

No comparable provision.

Senate amendment

Section 3411(g) requires the Secretary of Transportation, in conjunction with the Secretary of Labor to study the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code.

Conference substitute

The conference adopts the Senate provision.

SEC. 4024. IMPROVED INTERSTATE SCHOOL BUS SAFETY

House bill

Subsection (a) of Section 408 amends section 31136 to provide that federal safety regulations apply to interstate school bus operations by local educational agencies.

Subsection (b) directs the Secretary to submit a report within two years describing the status of compliance and activities of the Secretary or States to enforce the requirements.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts an alternative provision to instruct the Secretary to begin a rulemaking to determine whether or not relevant commercial motor carrier safety regulations issued under section 31136 should apply to all interstate school transportation operations.

SEC. 4025. TRUCK TRAILER CONSPICUITY

House bill

Section 421 requires the Secretary of Transportation to issue, not more than one year after enactment of this Act, a final rule regarding the Conspicuity of trailers manufactured before December 1, 1993. In so doing, the Secretary is required to consider, at a minimum, the following: (1) the cost-effectiveness of any requirement to retrofit trailers manufactured before December 1, 1993; (2) the extent to which motor carriers have voluntarily taken steps to increase equipment visibility; regulatory flexibility to accommodate differing trailer designs and configurations, such as tank trucks.

Senate amendment

No comparable provision.

Conference substitute

The conference adopts the House provision. The conference however stresses that this provision does not require the Secretary to order a retrofit of any trailers manufactured before December 1, 1993.

SEC. 4026. DOT IMPLEMENTATION PLAN

House bill

Section 422 requires the Secretary of Transportation to develop and submit to Congress a plan for implementing authority (if subsequently provided by law) to: (1) investigate and bring civil actions to enforce Chapter 5 of Title 49, United States Code when violated by shippers, freight forwarders, brokers, consignees, or persons (other than rail carriers, motor carriers, motor carriers of migrant workers, or motor private carriers); (2) assess civil or criminal penalties against a person who knowingly aids, abets, counsels, commands, induces, or procures a violation of a regulation or order under chapter 311 or section 31502. The development of the plan requires the Secretary to consider: in what circumstances the Secretary would exercise the new authority; how the Secretary would determine that

shippers, freight forwarders, brokers, consignees, or other persons committed violations; what procedures would be necessary during investigation to ensure the confidentiality of shipper contract terms; the impact of the new authority on the Secretary's resources.

Senate amendment

No comparable provision.

Conference substitute

The conference report directs the Secretary to assess the scope of the problem of shippers, freight forwarders, brokers, consignees, or other persons encouraging violations of chapter 5 of title 49 and after the assessment the Secretary may submit to Congress a plan for implementing authority (if subsequently provided by law) to investigate and bring civil actions to enforce chapter 5 of title 49, United States Code. The report to Congress will contain the elements required of it in the House bill as well as a request of what, if any, educational activities the Secretary would conduct for persons who would be subject to the new authority.

SEC. 4027. STUDY OF ADEQUACY OF PARKING FACILITIES

House bill

Section 123 requires the Secretary of Transportation to conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours of service rules. The study must be reported to Congress within 36 months. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortage. The study is funded under Section 104(a) of Title 23, United States Code, for $500,000 per fiscal year for fiscal years 1998, 1999 and 2000.

Senate amendment

Section 3415 is similar to the House bill with the exception of the funding provision.

Conference substitute

The conference adopts the House provision. The Secretary would be permitted to allocate no more than $500,000 for each of the fiscal years 1999, 2000, 2001.

SEC. 4028. QUALIFICATIONS OF FOREIGN MOTOR CARRIERS

House bill

No comparable provision.

Senate amendment

Section 3419 of the Senate bill requires the Secretary of Transportation, within 90 days after enactment of the Act, to review the qualifications of foreign carriers whose applications for authority to operate in the United States have not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States.

Conference substitute

The conference adopts the Senate provision with the proviso that the review does not constitute a finding by the Secretary under section 13902 of title 49, United States Code, that a motor carrier is willing and able to comply with requirements of such section.

SEC. 4029. FEDERAL MOTOR CARRIER SAFETY INSPECTORS

House bill

No comparable provision.

Senate amendment

Section 3418 of the Senate bill requires the Secretary of Transportation to maintain the level of Federal motor carrier safety inspectors for international border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure an equivalent level of commercial motor vehicle safety inspections.

Conference substitute

The conference adopts the Senate provision with minor modifications.

SEC. 4030. SCHOOL TRANSPORTATION SAFETY

House bill

Section 336 of the House bill requires the Secretary of Transportation to begin not later than 3 months after the date of the enactment of the Act a study of the safety issues attendant to transportation of school and school-related activities by various transportation modes.

Senate amendment

Section 3425 of the Senate bill requires the Secretary to agree with the Transportation Research Board on a study of the issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes. The TRB shall consider available crash injury data, and vehicle design and driver training in conducting the study and the panel conducting the study shall include representatives of highway safety organizations, school transportation, mass transportation and bicycling organizations.

Conference substitute

The conference adopts the Senate provision with the proviso that a report to the Congress on the results of the study is to be transmitted not later than 12 months after the Secretary enters into an agreement with the Transportation Research Board.

SEC. 4031. DESIGNATION OF NEW MEXICO COMMERCIAL ZONE

House bill

No comparable provision.

Senate amendment

Section 3703 of the Senate bill establishes a commercial zone in New Mexico comprised of Dona Ana and Luna Counties.

Conference substitute

The conference adopts the Senate provision with the proviso that the Secretary of Transportation shall consult with other Federal agencies that have responsibilities over traffic between the United States and Mexico. The State of New Mexico is required to submit within three months of the date of enactment a plan to the Secretary describing how the state will monitor commercial motor vehicle traffic and enforce safety regulations. The conference is particularly concerned that motor carriers within the zone comply with hours-of-service and drug and alcohol testing requirements and that unauthorized carriers do not operate beyond the commercial zone limits.

SEC. 4032. EFFECTS OF MCSAP GRANT REDUCTIONS ON STATES

House bill

No comparable provision.

Senate amendment

Section 3423 of the Senate bill allows States which did not receive its full Motor Carrier Safety Assistance Program during fiscal years 1996 and 1997 to enter into cooperative agreements with the Secretary of Transportation to evaluate the safety impact, costs, and benefits of allowing such states to continue to participate fully in the Motor Carrier Safety Assistance Program, then the Secretary shall allocate to those States full amount of funds for fiscal years 1998, 1999, 2000, 2001, 2002 and 2003.

Conference substitute

The conference report requires the Secretary to study the effects of reductions in MCSAP grants due to nonconformity of State intrastate laws and regulations with Federal interstate requirements. The study is to consider (1) national uniformity and the purposes of the MCSAP program; (2) State motor carrier, commercial motor vehicle, and driver safety oversight and enforcement capabilities; and (3) the safety impact, costs and benefits of a State's full participation in the program. A report to Congress is to be submitted not later than 2 years after the date of enactment of this Act.

Interim Border Safety Improvement Program

House bill

Section 411 establishes an interim border safety improvement program to improve commercial motor vehicle safety in the vicinity of the borders between the U.S. and Canada and the U.S. and Mexico. The Secretary may expend funds and provide grants to States, local governments, organizations and others for the employment and training of personnel to enforce safety regulations at the border, for the development of data bases and communications systems, and for education and outreach initiatives. The Federal share shall be 80 percent for the first two years that a State receives a grant, 50 percent for the third and fourth years, and 25 percent for the fifth and sixth years. Subsection (g) provides annual authorizations for the program.

Of the funds made available for the coordinated border infrastructure and safety program under section 116 of the bill, $20 million in fiscal year 1998 and $15 million in each of fiscal years 1999 through 2003 shall be available for this program.

Senate amendment

No comparable provision.

Conference substitute

The conference does not include a provision. The conference addresses border safety matters under Section 4003 and authorizes the Secretary to dedicate up to five percent of funding made available to carry out the Motor Carrier Safety Assistance Program for States, local governments, and other persons to carry out border commercial motor vehicle safety programs and enforcement activities and projects.

Hazardous Materials Transportation Regulation and Farm Service Vehicles

House bill

Sec. 420. Subsection (a) amends section 5117(d)(2) of title 49 regarding the transportation of hazardous materials to add a new subparagraph (C) which provides that States are not prohibited from providing an exception from requirements relating to placarding, shipping papers, and emergency telephone numbers for the private motor carriage in intrastate transportation of an agricultural production material. A State must certify that the exception is in the public interest, the need for the exception, and that the State shall monitor the exception and take such measures necessary to ensure that safety is not compromised.

Subsection (b) defines the term ''agricultural production material.''

Senate amendment

Section 3208 of the Senate bill as part of the reauthorization of the Hazardous Materials Transportation Act authorizes the Secretary to carry out pilot programs to examine innovative approaches or alternatives to regulations for private intrastate motor carriage of agricultural production materials. The Secretary is prohibited from carrying out a pilot program if it would pose an undue risk to public health and safety. Furthermore, the Secretary shall require that the pilot project contain safety measures designed to achieve a level of safety equivalent

to or greater than the level that would otherwise be achieved. The Secretary is directed to terminate participation immediately of any carrier that fails to comply with the terms and conditions of the pilot or to terminate the entire pilot if the Secretary determines it has resulted in a lower level of safety.

Conference substitute

The conference does not include a provision.

Motor Carrier and Driver Safety Research

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3407 of the Senate bill provides not less than $10 million per year for programs designed to advance motor vehicle and driver safety. The provision requires grants of more than $250,000 to be awarded based on a competitive selection. The Secretary shall submit annual reports to Congress on the activities conducted under this section.

Conference substitute

The conference does not include a provision. The Secretary is authorized to conduct motor carrier research in the programs established or amended in Title V of this Act.

Commercial Motor Vehicle Safety Advisory Committee

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3420 of the Senate bill authorizes the Secretary to establish an advisory committee to provide advice and recommendations on regulatory issues.

Conference substitute

The conference does not include a provision.

Commercial Motor Vehicle Safety Studies

House bill

The House bill contains no comparable provision.

Senate amendment

Section 3422 of the Senate bill directs the Secretary to conduct a study of the impact on safety and infrastructure of tandem axle commercial motor vehicle operations in States that permit the operation of such vehicles in excess of Interstate weight limits. Further, the Secretary should enter into cooperative agreements with such States to collect weigh-in-motion data necessary for the study. The Secretary shall report to Congress within 2 years on the results of the studies and may not withhold highway construction funds from States for violations of grandfathered tandem axle weight limits.

Conference substitute

The conference does not include a provision.

Hazardous Materials Transportation Act Reauthorization

House bill

The House bill contains no comparable provision.

Senate amendment

Subtitle B reauthorizes the Hazardous Materials Transportation Act, as requested by the Administration. The Subtitle makes several changes in the hazardous materials transportation program as administrated by the DOT Research and Special Programs Administration.

Conference substitute

The conference does not include a provision.

TITLE V—TRANSPORTATION RESEARCH

SUBTITLE C—INTELLIGENCE TRANSPORTATION SYSTEMS

Senate amendment

Section 2101 designates the name of Subtitle B of chapter 5 as the ''Intelligent Transportation Systems Act of 1997'' (ITS Act).

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with a notification revising the date in the title. The substitute language designates the name of Subtitle B as the ''Intelligent Transportation Systems Act of 1998.''

Findings

Senate amendment

Sec. 2102 lists Congress' findings with respect to the ITS program.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute consolidates the findings in the Senate bill into two findings retaining the reference to investments in intelligence transportation systems made under the Intermodal Surface Transportation Efficiency Act of 1991 (105 State. 1914 et seq.) and the principle that continued investment is needed in this areas to realize fully the benefits of intelligence transportation systems technology.

Goals and Purposes

Senate amendment

Section 521, 23 U.S.C., as proposed, sets forth the purposes of the ITS Act of 1997, which are—(1) to provide for accelerated deployment of proven technologies and concepts and increased Federal commitment to improving surface transportation safety, and (2) to expedite deployment and integration of basic ITS services for consumers of passenger and freight transportation across the nation.

House bill

Subsection 652(b) establishes the goals of the ITS program including enhanced efficiency of the transportation system; enhanced safety; enhancement of the environment; a program that includes all users; improved accessibility; the development of a technology base; improved ability to respond to national emergencies; and the promotion of data sharing.

Conference substitute

The Conference adopts a goals and purposes provision incorporating key concepts from both the House goals provision and Senate purposes provision. The substitute language identifies as goals of the ITS program the following objectives most of which were included in both bills: enhancement of surface transportation efficiency and facilitation of intermodalism and international trade; improvement of national transportation safety; protection and enhancement of the natural environment; accommodation of the needs of all surface transportation systems users; improved responsiveness to emergencies and natural disasters. The substitute language also identifies ITS program purposes representing objectives with a more short-term focus than the goals. The list of purposes, as follows: is drawn primarily from the purposes section in the Senate bill: to expedite deployment and integration of ITS; to ensure local transportation officials have adequate knowledge of ITS technologies for transportation planning and ITS operations and maintenance purposes; to improve regional cooperation; and to promote the use of private resources.

General Authorities and Requirements

Scope

Senate amendment

The Senate bill contains no comparable provision

House bill

Subsection 652(a) directs the Secretary to conduct a research, development, and deployment program for ITS.

Conference substitute

The Conference adopts the House provision.

Policy

Senate amendment

Subsection 530(b), 23 U.S.C., as proposed, prohibits the Secretary from funding any ITS operational test or deployment that competes with a similar privately funded project.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute moves this provision from the Funding Limitations section in the Senate bill to the General Authorities and Requirements section in the substitute. The Senate provision is also revised to state that as a general policy federally-funded projects shall not displace public-private partnerships or private sector investment.

Cooperation with Governmental, Private, and Educational Entities

Senate amendment

Paragraph 523(b)(2), 23 U.S.C., as proposed, directs the Secretary in carrying out the intelligent transportation system program to maximize the involvement of the private section, college and universities, Federal laboratories, and State and local governments.

House bill

Paragraph 653(a)(1) directs the Secretary to carry out the intelligent transportation system program in cooperation with State and local governments, the private sector, colleges and universities, including historically black colleges an universities and other majority institutions of higher education.

Conference substitute

The Conference adopts the House provision with a modification. The Federal laboratories are added to the list of entities the Secretary is directed to consult with carrying out this program.

Consultation with Federal Officials

Senate amendment

Paragraph 523(b)(1), 23 U.S.C., as proposed, requires the Secretary to consult with heads of other interested Federal departments and agencies.

House bill

Paragraph 653(2) directs the Secretary to consult with the Secretary of Commerce, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other Federal departments and agencies.

Conference substitute

The Conference adopts the House provision.

Technical Assistance, Training, and Information

Senate amendment

Subsection 524(a), U.S.C., as proposed, directs the Secretary to carry out a comprehensive program of intelligent transportation system research, development, operational testing, technical assistance and training, and other related activities.

House bill

Subsection 655(a) allows the Secretary to provide technical assistance, training, and information to State and local governments for intelligent transportation system projects.

Conference substitute

The Conference adopts the House provision.

Transportation Planning

Senate amendment

The Senate bill contains no comparable provision.

House bill

Subsection 655(b) allows the Secretary to use funds to better integrate intelligent transportation systems into State and metropolitan planning.

Conference substitute

Information Clearinghouse

Senate amendment

Subsection 524(d), 23 U.S.C., as proposed, requires the Secretary to maintain a repository for technical and safety data collected through federally funded intelligent transportation system projects. The Secretary may delegate this responsibility to an entity outside of the Department of Transportation.

House bill

Subsection 653(d) requires the Secretary to establish and maintain a repository for technical and safety data collected through federally funded intelligent transportation system projects. The Secretary may delegate this responsibility to an entity outside of the Department of Transportation.

Conference substitute

The Conference finds provisions in both the House and Senate bills to be substantively equivalent.

Advisory Committees

Senate amendment

Section 532, 23 U.S.C., as proposed, requires the Secretary to use one or more advisory committees, and specifies that any advisory committee so used shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

House bill

Subsection 653(e) allows the Secretary to use advisory committees when carrying out the intelligent transportation systems program. This subsection also specifies that the Federal Advisory Committee Act applies and that any advisory committees on intelligent transportation systems shall be funded through specific provisions in Appropriations Acts and from funds allocated for research, development, and implementation of the intelligent transportation systems program.

Conference substitute

The Conference adopts the House provision with a modification: the direction regarding funding for advisory committees is dropped.

Procurement Methods

Senate amendment

Subsection 523(c), 23 U.S.C., as proposed, directs the Secretary to develop technical assistance and guidance to assist State and local agencies in selecting appropriate methods of procurement for intelligent transportation system projects, including innovative and nontraditional methods.

House bill

Subsection 653(h) directs the Secretary to develop technical assistance and guidance to assist State and local agencies in selecting appropriate methods of procurement for intelligent transportation system projects, including innovative and nontraditional methods. This subsection also directs contracting officials to use a standard risk assessment methodology to reduce the cost, schedule, and performance risks associated the development and use of intelligent transportation systems software.

Conference substitute

The Conference adopts the House provision with a modification: Information Technology Omnibus Procurement is listed as a type of innovative or nontraditional procurement method addressed by this subsection.

Evaluations

Senate amendment

Subsection 524(c), 23 U.S.C., as proposed, directs the Secretary to establish guidelines and requirements for the evaluation of intelligent transportation systems operational tests and deployment projects. These guidelines and requirements are to ensure objectivity and independent of the evaluator. This subsection also limits the percentage of test or project funds which may be spent on evaluations and specifies different percentages for projects and tests of different sizes. This subsection also specifies that the Paperwork Reduction Act, chapter 35 of title 44, U.S.C., shall not apply to any survey, questionnaire, or interview conducted in connection with the evaluation of any test or project carried out under this program.

House bill

Subsection 653(d) directs the Secretary to issue guidelines and requirements for the evaluation of intelligent transportation systems operational tests. These guidelines and requirements are to ensure objectivity and independence of the evaluator. Operational tests need to be designed for the collection of data and the preparation of reports to permit objective evaluation of the success of the tests and the derivation of cost-benefit information and life-cycle costs that will be useful to others contemplating the purchase of similar systems.

Conference substitute

The Conference adopts the Senate provision with modifications. The Secretary is directed to issue, rather than establish, the guidelines and requirements and the funding limitation provisions are replaced with a requirement that the guidelines and requirements issued under this subsection also establish appropriate evaluation funding levels. The exemption from the Paperwork Reduction Act is retained.

National ITS Program Plan

Senate amendment

Paragraph 524(b)(5), 23 U.S.C., as proposed, requires the Secretary to submit a 6-year plan to Congress within 1 year of enactment and annually thereafter. This plan is to specify program goals, objectives, and milestones and progress made in meeting them.

House bill

Section 654 requires the Secretary to maintain and update a National ITS Program Plan developed by the Department and the Intelligent Transportation Society of America. This section specifies the scope and required components of the plan including program goals, objectives, and milestones and how specific programs and projects relate to those goals over 5, 10, and 20-year time frames. The plan is also to provide for the development of standards to promote interoperability and establish a process for incorporating intelligent transportation systems technologies into more broad-based surface transportation systems. Reporting to Congress under this section may be consolidated with the integrated Surface Transportation Research and Development Strategic Plan.

Conference substitute

The Conference adopts the House provision with several modifications. The goals, objectives and milestones cadre to be established for both research and deployment of intelligent transportation systems and consideration of a 20-year time frame for these goals is not required. The plan is to identify activities relevant to the development of standards, including actions that will lead to the establishment of critical standards. The substitute requires that principal findings made in carrying out the plan be transmitted and updated as part of the Integrated Surface Transportation Research and Development Strategic Plan.

National Architecture and Standards

Senate amendment

Section 529, 23 U.S.C., as proposed, requires the Secretary to develop, implement, and maintain a national architecture to guide nationwide deployment of intelligent transportation systems and to set standards and protocols to promote the widespread use of these technologies and to ensure interoperability. The Secretary is authorized to use standards-setting organizations in carrying out section. The section requires the Secretary to identify critical standards needed to ensure interoperability on a nationwide basis. If one of these critical standards is not adopted by January 1, 2001, the Secretary is required to establish a provisional standard, but a provisional standard would only remain in effect until the appropriate standards-setting organization adopted and published a standard concerning the same subject matter. In addition, the Secretary may waive this requirement as long as a report on the reasons for the waiver and impacts of a delay in setting a particular standard is submitted to Congress. For each standard subject to a waiver, the Secretary is required to submit a progress report to Congress every six months. This section also prohibits the use of funds made available from the Highway Trust Fund on intelligent transportation system technology if the technology does not comply with each relevant provisional and completed standard, but exception is made for intelligent transportation systems deployments already in place. Finally, this section directs the Secretary of Commerce and the Federal Communications Commission to allocate spectrum for the near-term establishment of a dedicated short-range vehicle-to-wayside wireless standard and any other spectrum critically needed for the intelligent transportation systems program.

House bill

Subsection 653(b) requires the Secretary to develop, implement, and maintain of a national architecture to guide nationwide deployment of intelligent transportation systems and to set standards and protocols to promote the widespread use of these technologies and to ensure interoperability. The Secretary is authorized to use standards-setting organizations in carrying out this subsection. This subsection directs the Secretary of Transportation, in consultation with the Secretary of Commerce, the Secretary of Defense, and the Federal Communications Commission, to take all necessary steps to secure spectrum for the near-term establishment of a dedicated short-range vehicle to wayside wireless standard.

Conference substitute

The Conference adopts the Senate provision with modifications. In establishing the national architecture along with the standards and protocols, the Secretary is to comply with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 11 Stat. 783). This provision requires all Federal agencies and departments to use technical standards that are developed or adopted by voluntary consensus standards bodies, unless to do so would be inconsistent with applicable law or otherwise impractical. It is clarified that the report identifying critical standards and their stage of development is to be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives. The Secretary is authorized to establish provisional standards if such action is necessary to ensure progress in achieving the purposes identified in this section for establishing a national architecture and standards and the Secretary is required to adopt a provisional standard if a standard identified as critical is not set by January 1, 2001. But, the Secretary may waive this requirement upon finding that additional time would be productively used or establishment of a provisional standard would be counterproductive. Provisional standards are to be published and will remain in effect until applicable standards to replace them are set by the appropriate standards development organization. Waivers of the provisional standard requirement and withdrawals of such waivers are also to be published. The requirement that intelligent transportation systems projects funded from the Highway Trust Fund must conform to the national architecture and applicable standards is retained. The exceptions for operations and maintenance of intelligent transportation systems projects already in existence is retained as is the exception, at the discretion of the Secretary, for the upgrade or expansion of such projects. Another exception for projects designed to achieve specific research objectives, at the discretion of the Secretary, is added. The Federal Communications Commission is directed to consider, in consultation with the Secretary of Transportation, the spectrum needs of intelligent transportation systems and is required to complete a rulemaking considering the allocation of spectrum for intelligent transportation systems by January 1, 2000.

Research and Development

Senate amendment

Section 524, 23 U.S.C., as proposed, requires the Secretary to undertake comprehensive research, development, testing, and technical assistance to carry out the purposes of the intelligent transportation systems programs. This research and development is to advance development of an integrated intelligent vehicle program and an integrated intelligent infrastructure program to advance roadway safety and efficiency systems, mobility and the quality of the environment. This section requires activities to be consistent with the national architecture and priorities include crash avoidance and the integration of air bag technology with other on-board safety systems. The federal share for these projects is 80 percent, but the Secretary apply a federal share of 100 percent to high-risk projects. Subsection (f) includes limitations on the amounts of funding that may be used for research activities that improve crash avoidance and the integration of airbags and other on-board safety systems, advance development of an automated highway system, and activities that improve traffic management.

House bill

Subsection 655(c) authorizes the Secretary to fund research and operational tests regarding intelligent transportation systems technology. Subsection 655(d) allows the Secretary to use funds to conduct research and demonstrations of integrated vehicle and roadway safety systems, including infrastructure-based, in-vehicle, and integrated collision avoidance systems. The section includes research on advanced traffic management technologies, including the use of fiber optic cables and video, to monitor and control traffic flow and volume; research on magnetics and advanced materials; fundamental research on the science of the driving process and other human factors to complement the applied research efforts of the industry in this area; and research on the impact of cold weather climates on ITS in areas such as traction enhancement while on ice and snow, braking, and visibility enhancement both of intersections and sign.

Conference substitute

The Conference adopts a blend incorporating aspects of both the House and Senate provisions. This section requires the Secretary to carry out a comprehensive program of intelligent transportation systems research, development, and operation tests and demonstrations of intelligent vehicles and infrastructure systems. The list of priorities includes traffic management, incident management, crash-avoidance and integration of in-vehicle crash protection technologies, human factors research, integration of intelligent vehicles and infrastructure, and research on the impact of the environment on intelligent transportation systems. Operational tests are to be designed for the collection of data allowing for objective evaluation of the test results. The Federal share of operational tests and demonstrations is not to exceed 80 percent.

Intelligent Transportation System Integration Program

Senate amendment

Section 525, 23 U.S.C., as proposed, directs the Secretary to conduct a comprehensive program to accelerate the integration and interoperability of intelligent transportation systems in metropolitan areas by funding deployment projects that illustrate the benefits of intelligent transportation systems technologies. This section includes a list of priorities the Secretary is to consider in selecting projects. The Secretary is required to encourage private sector involvement through public-private partnerships and other innovative financial arrangements. In addition, funding recipients are required to submit multi-year financing and operations plans describing how the project can be cost-effectively operated and maintained.

Section 526, 23 U.S.C., directs the Secretary to conduct a comprehensive program to accelerate the integration and inteoperability of intelligent transportation systems in rural areas by funding deployment projects that illustrate the benefits of intelligent transportation systems technologies. This section includes a list of priorities the Secretary is to consider in selecting projects. The Secretary is required to encourage private sector involvement through public-private partnerships and other innovative financial arrangements. In addition, funding recipients are required to submit multi-year financing and operations plans describing how the project can be cost-effectively operated and maintained.

House bill

Section 656 establishes the intelligent transportation system deployment program and describes its purposes, with the primary purpose being to integrate existing intelligent transportation systems components to ensure they work as systems. This section also sets goals for the deployment program including acceleration of standard-setting processes, and lists the specific requirements a project must meet to be eligible for funding. This section also requires that at least 25 percent of funds made available to carry out this section be used for commercial vehicle intelligent transportation systems projects and that not less than 10 percent be used for projects outside of metropolitan areas. In addition, this section sets limits on how much funding can be spent on certain types of projects.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute consolidates sections 525 and 526, 23 U.S.C., as proposed, from the Senate bill and directs the Secretary to conduct a comprehensive program to accelerate the integration and interoperability of intelligent transportation systems in metropolitan and rural areas by funding deployment projects that illustrate the benefits of intelligent transportation systems technologies. The substitute also includes a list of priorities, based on both the House and Senate bills, that the Secretary is to consider in selecting projects, including any contribution to national program plan goals, demonstration of a cooperation among different agencies, jurisdictions, and the private sector, encouragement of private sector involvement, inclusion in approved state or metropolitan plans, and assurance of continued, long-term operations and maintenance without continued reliance on Federal funding. The substitute requires that funds for projects in metropolitan areas be used primarily for integration purposes, whereas in rural areas, funds may be used for installation of intelligent transportation systems infrastructure. In addition, the substitute includes the House provision requiring that not less than 10 percent be used for projects in rural areas. The Federal share of projects payable from funds made available under this section is set at 50 percent, but the total Federal share payable from all eligible sources (including this section) may not exceed 80 percent.

Commercial Vehicle Intelligent Transportation System Infrastructure Deployment

Senate amendment

Section 527, 23 U.S.C., as proposed, establishes a program to deploy intelligent transportation systems that improve the safety and productivity of commercial motor vehicles and drivers and that reduce administrative costs associated with commercial vehicle operations. This section focuses on improving the safety of commercial vehicles operations by funding activities that, for example, assist in the identification of unsafe carriers, vehicles, and drivers and that advance on-board driver and vehicle-safety monitoring systems. Other priorities include improving the electronic processing of registration, licensing, inspection, tax and crash data, the exchange of this information among the States, and the effectiveness and efficiency of enforcement efforts.

House bill

Section 656 establishes the intelligent transportation system deployment program and describes its purposes, with the primary purpose being to integrate existing intelligent transportation systems components to ensure they work as systems. This section also sets goals for the deployment program including acceleration of standard-setting processes, and lists the specific requirements a project must meet to be eligible for funding. This section also requires that at least 25 percent of funds made available to carry

out this section be used for commercial vehicle intelligent transportation systems projects and that not less than 10 percent be used for projects outside of metropolitan areas. In addition, this section sets limits on how much funding can be spent on certain types of projects.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute establishes a deployment program to promote intelligent transportation systems that improve the safety and productivity of commercial vehicles and drivers and that reduce administrative costs. The program's purpose is to advance the technological capability and deployment of intelligent transportation systems applications to commercial vehicle operations, including commercial vehicle information systems and networks (CVISN). This section also includes a list of priorities the Secretary is to consider in selecting projects, including the extent to which a project encourages multistate cooperation, improves safety, increases regulatory efficiency, advances electronic processing of data, and promotes the exchange of information among States. In addition, the substitute directs that Federal funds should be used for activities that are not being carried out with private funds. The Federal share of projects payable from funds made available under this section is set at 50 percent, but the total Federal share payable from all eligible sources (including this section) may not exceed 80 percent.

Authorizations and Limitations

Outreach and Public Relations

Senate amendment

Subsection 530(d), 23 U.S.C., as proposed, limits the amount of funding available for outreach, public relations, training, mainstreaming, shareholder relations, or related activities.

House bill

The House bill contains no comparable provision.

Conference substitute

The conference report adopts the Senate provision with modifications. The limitation on funds is reduced to $5,000,000 per year, and this limitation applies specifically only to outreach, public relations, displays, scholarships, tours, and brochures and the substitute provision specifies that this limitation does not apply to intelligent transportation systems training, the publication or distribution of research finding, technical guidance, or similar documents.

Infrastructure Development

Senate amendment

Subsection 530(c), 23 U.S.C., as proposed, prohibits the use of intelligent transportation system funds for the construction of highway or transit infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the Senate provision.

Life Cycle Cost Analysis and Financing and Operations Plan

Senate amendment

Subsections 525(d) and 526(d), 23 U.S.C., as proposed, recipients funding for projects under the intelligent transportation systems integration program and the integration program for rural areas are required to submit multi-year financing and operations plans describing how each project can be cost-effectively operated and maintained.

House bill

Subsection 653(g) requires life-cycle cost analyses of intelligent transportation systems projects costing over $3 million.

Conference substitute

The Conference adopts a provision combining the House and Senate provisions. The substitute requires applicants for funds under the intelligent transportation systems integration program and the commercial vehicle intelligent transportation system infrastructure deployment programs to submit life-cycle cost analyses of intelligent transportation systems projects costing over $3 million and, for every project, multiyear financing and operations plans describing how the project will be cost-effectively operated and maintained.

Definitions

Senate amendment

Section 522, 23 U.S.C., as proposed, defines the following terms for purposes of this subchapter: commercial vehicle information systems and networks, commercial vehicle operations, completed standard, corridor, intelligent transportation system, national architecture, provisional standard, and standard.

House bill

Section 651 defines the following terms for purposes of this subtitle: intelligent transportation systems (ITS), intelligent transportation infrastructure, Secretary, and State.

Conference substitute

The Conference adopts both the Senate and House provisions with following modifications. Definitions for the terms ''completed standard'' and ''provisional standards'' in the Senate bill are not adopted and the definition for the term ''Secretary'' in the House bill is not adopted. The definition for the term ''intelligent transportation system'' is substantively equivalent in both bills and is adopted.

Repeal

Senate amendment

Section 2104 repeals the intelligent transportation systems programs that were established under the Intermodal Surface Transportation Efficiency Act (ISTEA) as they are superseded by the new programs in this [subtitle/subchapter]

House bill

Subsection 658 repeals the intelligent transportation systems programs that were established under the Intermodal Surface Transportation Efficiency Act (ISTEA) as they are superseded by the new programs in this [subtitle/subchapter].

Conference substitute

The Conference finds the provisions in both the House and Senate to be substantively equivalent.

PROJECT FUNDING

House bill

Sec. 632(b)(5) requires the Secretary to carry out a transportation technology innovation and demonstration program concerning the use of hazardous materials monitoring systems. The Secretary is required to conduct research on applying methods of deploying and integrating ITS or hazardous materials monitoring systems across various modes of transportation. The provision makes available for each of the fiscal years 1998 through 2003 $1.5 million per fiscal year.

Senate amendment

No comparable provision.

Conference substitute

The Conference adopts the House provision.

In conducting the research provided for in Section 5212(a), the Secretary should award funds to develop and deploy a fully integrated and unique Hazardous Materials Incident Management System designed to facilitate emergency response to hazardous materials incidents and safer, more efficient movement of hazardous materials across various modes of transportation.

Specifically, the funds authorized in this section are intended for further development and use of the Cargo Mate cargo identification and monitoring system, which provides for interoperability with existing fleet communications and management systems, real-time vehicle container, pallet cargo identification, location and monitoring. The integrated and consolidated Hazardous Materials Incident Management System should then be incorporated into current and future Traffic Management Centers to support safe movement of hazardous materials throughout the intermodal process.

In developing this system, consideration should be given to additional technologies, including advanced information processing technologies, which support emergency response, law enforcement, and regulatory resources.

House bill

TITLE VI—OZONE AND PARTICULATE MATTER STANDARDS

No provisions comparable.

Sec. 4101 to 4104 of the Senate Amendment

The Conferees note that in March 1998, the National Research Council's Committee on Research Priorities for Airborne Particulate Matter issued the first in a series of reports on research priorities relevant to settling particulate matter standards. This report addresses a number of issues, including whether the monitoring network necessary to implement the new National Ambient Air Quality Standard fine particulate (PM2.5) is designed to

(1) support relevant health effects, exposure, and atmospheric-modeling research efforts;

(2) use the appropriate number of continuous (hourly) monitors to determine the time of day and exposure of people who are commuting, working, or exercising outdoors; and

(3) use sufficient chemical characterization of particulate matter to enable testing of more specific indicators than PM2.5 mass alone.

The Conferees urge the Administrator to consider the recommendations contained in the Committee's March 1998 report. The Conferees further urge the Administrator to ensure, as appropriate, that the plans for the national monitoring network necessary to implement the National Ambient Air Quality Standard for PM2.5 is peer-reviewed by the Clean Air Scientific Advisory Committee at an early date while the opportunity still exists for such review to influence the monitoring network design and operations.

The Conferees are aware that certain nonattainment areas in Western Pennsylvania have experienced difficulty in meeting the one-hour, 0.12 part per million standard for ozone because of pollution which did not originate in the nonattainment area. The Conferees urge EPA to continue its efforts to avoid ''bumping up'' nonattainment areas in Pennsylvania to a higher nonattainment status or ozone.

The Conferees recognize that the Regional Haze regulation has not been finalized and the Administrator of the Environmental Protection Agency (EPA) is still considering the views of various stakeholders. The Conferees agree with EPA's public statements that the schedule for the State Implementation Plan due pursuant to section 169B(e)(2)

of the Clean Airport Act should be harmonized with the Schedule for State Implementation Plan submissions required for PM2.5. ambient air quality standard promulgated in July, 1997.

Conference substitute

Adopts the Senate provison.

TITLE VII—MISCELLANEOUS

Subtitle A—Automobile Safety and Information

Automatic Crash Protection Unbelted Testing Standard

House bill

The House bill contains no similar provision.

Senate amendment

Section 1407 of the Senate amendment ensures that the current testing standard for air bags is designed to ensure the optimal protection and safety for all occupants, including infants, children, and other occupants.

Conference report

The conference report does not include the provision.

Improving Air Bag Safety

House bill

The House bill contains no similar provision.

Senate amendment

Section 1407 of the Senate bill directs the Secretary of Transportation to undertake rulemaking to improve the protection afforded vehicle occupants by Motor Vehicle Safety Standard No. 208. The purpose of the rulemaking would be to improve the efficiency and protection accorded by occupant protection devices while attempting to minimize any potential risk associated with air bags to infants, children, and other occupants. During the development of a rule to improve the safety of air bags, the barrier test using unbelted 50th percentile adult male dummies would be suspended. The Secretary would be required to begin the rulemaking by June 1, 1998, and to issue a final rule by June 1, 1999, with a one-year extension permitted upon the Secretary's advising Congress of the need for an extension. The rule would require such tests as the Secretary determines to be reasonable, practicable, and appropriate, including tests using dummies of different sizes.

The requirements of the new standard would become effective in phases, beginning between September 1, 2001 and September 1, 2002, and concluding not later than September 1, 2005, with discretion given the Secretary for a one-year extension. Any extension would require a joint resolution of Congress. The Secretary would be required to report to Congress within six months of enactment on the development of technology to improve the protection given by air bags and to reduce the risks from air bags, including information on the performance characteristics of advanced air bags, their estimated cost, their estimated benefits, and the time within which they could be installed in production vehicles.

Conference report

The conferees agree to include a new subtitle addressing automobile safety and information issues. In addition to addressing the Senate bill's provisions regarding air bags, the subtitle also includes many of the provisions contained in H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act of 1998, which passed the House on April 21, 1998, by voice vote.

Section 7101 establishes the short title for the subtitle, the ''National Highway Traffic Safety Administration Reauthorization Act of 1998.''

Section 7102 authorizes funds for those NHTSA's automobile safety and information programs. For Fiscal Years 1999 through 2001, the legislation authorizes $81.2 million each year for motor vehicle safety activities, and $6.2 million for motor vehicle information activities. These amounts are equivalent to the Administration's budget request.

Section 7103 contains provisions intended to improve air bag safety. Subsection (a) directs the Secretary to issue a notice of proposed rulemaking by September 1, 1998 to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard (FMVSS) No. 208 while minimizing the risk to infants, children, and other occupants from any risks associated with air bags, by means that include advanced air bags. The Secretary is required to issue a final rule no later than September 1, 1999, unless the Secretary determines that the final rule cannot be completed by that date, in which case the Secretary must promulgate the final rule no later than March 1, 2000. The final rule must be consistent with both the requirements of this section and 49 U.S.C. §30111, which specifies the requirements for motor vehicle safety standards. The Conferees note that air bags do not substitute for lap and shoulder belts and all occupants should always wear lap and shoulder belts regardless of whether there is an inflatable restraint in the vehicle.

The Secretary is directed to make the final rule effective in phases as rapidly as practicable beginning not earlier than September 1, 2002 or at least 30 months after the date on which the Secretary promulgates the final rule, but in any case, not later than September 1, 2003. The rule is to be fully effective for all passenger motor vehicles, multipurpose passenger vehicles, and other vehicles identified in 49 U.S.C. §30127(b) manufactured on or after September 1, 2005. If the Secretary issues the final rule on September 1, 2003, the date for full compliance may be extended to September 1, 2006. The availability of the current sled test certification option available under FMVSS 208 (S13) remains in effect unless and until phased out according to the schedule in the final rule. The Secretary is also directed to include in the notice of proposed rulemaking means by which manufacturers may earn credits for early compliance with the final standard issued by the Secretary.

Subsection (b) provides that any government advisory committee, task force, or other entity include representatives of consumer and safety organizations, insurers, manufacturers, and suppliers.

Section 7104 prohibits the use of funds appropriated to NHTSA for the purpose of urging a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislature. Subsection (b) clarifies that officers or employees of the United States are not prohibited from testifying before any state or local legislature in response to the invitation of a member of such body or a State executive office. The provision is not intended to prohibit the Agency from informing State or local legislators about the prudence of a particular policy choice, but rather is intended to limit the Agency's ability to lobby a particular piece of legislation before a State or local legislature. Thus, under this provision, NHTSA could continue to testify before any State or local legislative body and inform State and local officials about the merits of a particular course of action. A NHTSA official could even appear before a committee of a State legislature to testify that NHTSA believes that enactment of primary enforcement seat belt laws results in fewer highway fatalities. NHTSA could, in fact, testify that it favors general efforts to enact primary enforcement seat belt laws and opposes general efforts to repeal such laws. However, a NHTSA official could not, through the use of government resources, ask an individual State or local legislator, or any group of State or local legislators, to vote act on a particular pending measure.

Subsection 7105(a) is intended to eliminate the need for two odometer disclosures in certain transactions involving rental car companies, dealers, and automobile manufacturers by exempting the transfer of new motor vehicles from a manufacturer jointly to a dealer and a rental car company. Subsection (b) responds to several recent Federal District Court decisions holding the NHTSA does not have authority to exempt vehicles from the odometer disclosure requirements, even when the purchasers of such vehicles rely on service records rather than odometers to indicate wear and tear, such as in the care of heavy trucks. This subsection specifically grants NHTSA such authority.

Section 7106 makes several miscellaneous changes to title 49, United States Code, with respect to NHTSA's authorizing statutes. These changes in subsections (a) through (c) were requested by the Administration. Subsection (a) closes a loophole which allows auto parts stores and retailers to continue to sell defective equipment even though motor vehicle dealers would be prohibited from selling the same item. This provision includes retailers of motor vehicle equipment in the prohibition on selling defective items of equipment.

Subsection (b) amends 49 U.S.C. 30123 (''Tires''), to repeal subsections (a) (''Labeling Requirement''), (b) (''Contents of Label''), and (c) (''Additional Information''). Under section 30123(a), the Secretary must require manufacturers of pneumatic tires to ''permanently and conspicuously'' label their tires with specified information under section 30123(b) about the construction of the tires and the identity of the manufacturer. Section 30123(c) gives the Secretary discretionary authority to require that additional safety information be disclosed to a purchaser when a tire is sold.

Subsection (c) amends 49 U.S.C. 30127(g) to increase the reporting interval on the effectiveness of occupant restraint systems from every six months to annually. The Administration expressed concern that the six-month interval was too short a time frame in which to provide meaningful data to Congress.

Subsection (d) amends the American Automobile Labeling Act (49 U.S.C. §30204) to make certain changes in the labeling requirement and the domestic content calculations. Subparagraph (1)(A) provides that the labor value of engine and transmission production is also included in the engine and transmission origin determination and subparagraph (1)(B) codifies certain regulations which permit labor costs of parts manufactured at the same location as final vehicle assembly to be included in the vehicle's overall content calculation, provided it does not occur during vehicle assembly. Subparagraph (1)(C) institutes a tiered system for accounting for the domestic content of parts manufactured by outside suppliers. Under this subparagraph, supplies would report content to the nearest five percent. For instance, 38 percent would be reported to the manufacturer as 40 percent, rather than zero as under current law.

Paragraph (2) permits vehicle manufacturers to voluntarily add a line to the label stating the country in which vehicle final assembly took place. Paragraph (3) permits manufacturers, on a voluntary basis, to separately display the domestic content of a particular vehicle, based on its assembly plant.

This information must be reported in addition to the carline average percentage. Paragraph (4) codifies existing regulations permitting manufacturers to estimate, based upon best available information, the content of no more than 10 percent of the vehicle's parts, when suppliers fail to report such information. Paragraph (5) permits manufacturers to default the value of certain small parts, such as nuts, bolts, clips, screws, and pins, to the country of manufacture.

Subsection (e) directs NHTSA to conduct a study of the benefits to motor vehicle drivers of a regulation to require the installation of a device in the trunk compartment to release the trunk lid.

Section 7107 reinstates NHTSA's authority to exempt certain motor vehicles imported for the purpose of show or display from certain applicable motor vehicle safety standards. Such authority was unintentionally deleted when title 49, United States Code was recodified in 1988.

SUBTITLE B

SEC. 7201. HIGH SPEED RAIL

House bill

Subsection (a) of Section 901 authorizes $10 million in each of fiscal years 1998 through 2001 for high speed rail corridor planning activities and $25 million in each of fiscal years 1998 through 2001 for high speed rail research and development under the Swift Rail Development Act of 1994. Subsection (b) defines high speed rail to include maglev systems.

Senate amendment

No comparable provision

Conference substitute

Adopts the House provision. The conferees also reaffirm the intention of the Swift Rail Development Act, that planning for improvements to rail infrastructure that would provide incremental speed increases toward achieving speeds of 125 mph or more are fully eligible for federal assistance under the conditions specified in the Act. Efforts to plan for near-term improvements that would achieve substantial speed increases, although not necessarily to a true high speed level of 125 mph, fall in this category.

SEC. 7202. LIGHT DENSITY RAIL LINE PILOT PROJECTS

House bill

Section 902 authorizes $25 million for each of fiscal years 1998 through 2003 for grants to states to fund pilot projects for making capital improvements to publicly and privately owned rail line structures on light-density rail lines. The purpose of the pilot projects is to demonstrate the relationship of light density railroad service to the statutory responsibilities of the Secretary of Transportation, including those under Title 23.

Senate amendment

Sec. 3701 is identical to the House provision, except funding is authorized at $10 million for each of fiscal years 1998 through 2003, instead of $25 million.

Conference substitute

Retains the authorization structure of both the House and Senate provisions, but provides for funding at a level of $17.5 million per fiscal year.

SEC. 7203. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

House bill

Section 906(a) modifies the existing railroad infrastructure loan program contained in Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) to bring the program in line with the Credit Reform Act of 1990. Projects eligible for loan assistance under the program would include acquisition, improvement or rehabilitation of intermodal or rail equipment and facilities, refinancing of debt incurred for the aforementioned purposes, and development or establishment of new intermodal or railroad facilities. Operating expenses would not be eligible for loan assistance. Subsection (a) also limits the aggregate unpaid principal amounts of obligations under direct loans and loan guarantees to $5 billion at any one time. One billion dollars of this five billion is to be reserved solely for projects primarily benefiting freight railroads other than Class I carriers. In addition, subsection (a) allows the Secretary of Transportation to accept credit risk premiums from non-Federal sources to support loans and loan guarantees made under this section.

Subsection (b) makes technical and conforming changes and includes a savings provision requiring that transactions entered into under Title V of the Regulatory Reform Act of 1976 before the date of enactment of BESTEA shall be administered until completion under its terms prior to the amendments made by BESTEA.

Senate amendment

No comparable provision.

Conference substitute

Adopts the structure of the House provision, but with revisions to the statement of priorities in section 7202(c), technical changes to conform to the 1997 amendments to the Credit Reform Act, and with the total authorization for face amounts of loans in subsection (d) limited to no more than $3.5 billion.

SEC. 7204. ALASKA RAILROAD

House bill

Section 904(a) provides that the Secretary may make grants to the Alaska Railroad for capital rehabilitation and improvement to its passenger service.

Subsection (b) authorizes $5,250,000 to be appropriated for such purposes for each of fiscal years 1998 through 2003.

Senate amendment

No comparable provision.

Conference substitute

Adopts the House provision.

MIAMI-ORLANDO-TAMPA CORRIDOR PROJECT

House bill

Section 903 authorizes a general fund grant of $200 million to be made available to the Florida Department of Transportation to reimburse the Florida Overland Express (FOX) project in the Miami-Orlando-Tampa corridor for capital costs of that project.

The state of Florida is planning a high-speed rail system in the Miami-Orlando-Tampa corridor that calls for a 320-mile system that would operate on dedicated tracks with no rail/highway crossings. Operating speeds would be over 185 miles per hour.

Senate amendment

No comparable provision.

Conference substitute

No provision.

RAILWAY HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL

House bill

Section 905 authorizes $5,250,000 for each of fiscal years 1998 through 2003 to carry out section 104(d)(2) of title 23.

Senate amendment

Sec. 1402 authorizes $15,000,000 for each of fiscal years 1998 through 2003 for hazard elimination in high-speed rail corridors.

Conference substitute

No provision. Funding for grade crossing assistance is addressed in the non-rail titles of the legislation.

House bill

No provision.

Senate amendment

Section 3506 amends section 20901(a) of Title 49 to require railroads to file periodic reports with the Secretary on all accidents and incidents resulting in injury or death of an individual, or damage to equipment. Eliminates current requirement that reports be notarized and allows the Administrator to require reports less frequently than monthly.

Conference substitute

No provision. The conferees contemplate addressing these issues in the pending reauthorization of the rail safety programs of the Federal Railroad Administration.

House bill

No provision.

Senate amendment

Included at the Administration's request, sections 3501 through 3504 impose penalties for willful sabotage of or interference with railroad equipment, infrastructure or personnel. Also imposes penalties on anyone who knowingly possesses or causes to be present any firearm or other dangerous weapon on board a passenger train.

Conference substitute

No provision.

Subtitle C—Comprehensive One-call Notification

House bill

No provision.

Senate amendment

Section 3301 contains several findings that unintentional damage to underground facilities during excavation is a significant cause of disruptions; that excavation performed without prior notification or with inaccurate marking causes damage that can result in fatalities; and, that protection of the public and the environment from the consequences of underground facility damage will be enhanced by a coordinated national effort to improve one-call notification programs.

Section 3302 establishes a new chapter, which would be chapter 61, in Subtitle III of title 49, United States Code. The purposes of chapter 61, as set forth in 6101, are to enhance public safety; protect the environment; minimize risks to excavators; and prevent disruption of vital public services by improving one-call notification programs.

The new section 6102 defines a one-call notification system as a system operated by an organization that has as one of its purposes the receipt of notification from excavators of their intent to excavate in a specified area and the notification of underground facility operators so that they can locate and mark their lines in the area scheduled for excavation. The definition includes statutes, regulations, orders, and other elements of law and policy in effect that establish one-call notification system operation requirements within a State.

The new section 6103 also outlines minimum components that one-call notification programs should cover, including the appropriate participation by all underground facility operators, all excavators, and flexible and effective enforcement mechanisms governing participation in, and use of, one-call notification systems. In making a determination on the appropriate extent of participation required by underground facilities or excavators, the section requires a State to assess, and take into consideration, the risks to public safety, excavators, the environment, and vital services posed by underground facility damage and the actions of excavators.

The new section 6103 would further provide that a state could allow voluntary participation in one-call notification systems when it

determines that certain types of underground facilities or excavation activities pose a de minimis risk to public safety or the environment. The section requires one-call notification programs to include administrative or civil penalties commensurate with the seriousness of a violation, increased penalties for parties that repeatedly damage underground facilities because they neglect to use one-call notification systems or fail to provide timely and accurate marking of underground facilities. The section allows states to reduce or waive penalties when underground facility damage is promptly reported.

The new section 6104 establishes a two-year program whereby states could apply for grants upon a showing that the state's one-call notification program meets the minimum standards outlined in the bill. The section further provides that a state providing for greater protection than the minimum standards criteria established in the legislation would also be eligible to receive grants. The new section 6104 would also require the Secretary to include, three years after the enactment of this legislation, additional information on one-call notification programs in the biennial report on gas and hazardous liquids.

The new section 6105 requires the Secretary of Transportation to initiate a study of the best practices employed by one-call notification systems in operation in the States. If a study is undertaken, the Secretary is required to report on the best practices identified and encourage their adoption in the States. The Secretary is authorized to suspend with the report if the Secretary determines that the information is already readily accessible.

The new section 6106 would authorize the Secretary to make grants to improve one-call notification systems, and should take into account the commitment of each state in improving its program, in awarding grants. The provision also authorizes a state to convey its funds directly to any one-call notification system that adopts the best practices established under 6105. The new section neither opens nor closes the door to having one or more one-call system. Most states have a single one-call system, but several have more than one, this determination will remain a state's choice.

The new section 6107 would authorize up to $1,000,000 and $5,000,000 in fiscal years 2000 and 2001 out of general revenue funds.

Section 3302 also made conforming changes to the table of chapters for subtitle III, and certain conforming changes to the existing one-call notification systems language of 49 United States Code 60114.

Conference substitute

The Conference adopts the Senate provisions with modifications. The Conference stresses that untimely marking of underground facilities, as well as the findings contained in the Senate provision, also cause underground facility damage.

The Conference also clarifies that compliance with the minimum standards outlined in sections 6103 and 6104 would only be required when applying for a grant under the new section 6106. The Conference also modifies the Senate language to require the Secretary to encourage states to adopt the most successful practices of one-call notification systems as determined the most appropriate by each state. The Conference also modifies language in the newly added section 6108 to clarify that nothing in the new chapter 61 preempts any existing state law, or would require a state to modify or revise existing one-call notification systems. The Conference also retains 49 U.S.C. 60114.

Subtitle D—Sportfishing and Boating Safety

House bill

Title VIII of H.R. 2400, contains amendments related to the Coast Guard's Recreational Boating Safety Program. Section 801 of H.R. 2400 provides that title VIII of H.R. 2400 may be cited as the ''Recreational Boating Safety Improvement Act of 1998.''

Section 802 of H.R. 2400 contains amendments to chapter 131 of title 46, United States Code, regarding the recreational boating safety state grant program administered by the Coast Guard. Section 802(a) of this title amends section 13106(a) of title 46, United States Code, to allow the Secretary of Transportation to expend each fiscal year the total amount transferred to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)) for State recreational boating safety programs. Under amendments contained in section 1104(a)(2) of H.R. 2400, the amount transferred to the Boat Safety Account is equivalent to one-half of the total amount received as motorboat fuel taxes during the preceding fiscal year. Section 802(a) of this bill also amends section 13106(c) of title 46 to establish two additional boating safety purposes for which funds are made available to the Secretary from amounts transferred to the Boat Safety Account. These additional purposes are: (1) up to two percent is available to the Secretary for compliance with chapter 43 of title 46, relating to safety standards for recreational vessels and associated equipment; and (2) up to three percent is available to the Secretary to establish, operate, and maintain aids to navigation that promote recreational boating safety.

Section 802(b) amends section 13103(c) of title 46 to require the Secretary of Transportation to conduct and report to Congress the findings of a comprehensive survey of recreational boating in the United States, by not later than December 1 of 1999, and of every fifth year thereafter. To conduct this survey, the Secretary may not use over 50 percent of the amounts allocated for national boating safety activities of national nonprofit public service organizations under this subsection for the fiscal year in which the survey is conducted.

Subsection (c) of section 802 of this title amends section 13106 of title 46 by adding a requirement for the Secretary of Transportation to make available in each fiscal year five percent of the amount appropriated for State boating safety programs that is in excess of $35 million for public access facilities for transient nontrailerable recreational vessels.

Section 802(d) of this title establishes an effective date for this section of October 1, 1998.

Senate amendment

Subtitle F of S. 1173 contains amendments to the Sport Fish Restoration Program administered by the Secretary of Interior (Secretary) through the Fish and Wildlife Service, and the Recreational Boating Safety Program administered by the Secretary of Transportation through the Coast Guard.

Section 3601 states that amendments in the Act that are expressed in terms of an amendment to or a repeal of provisions of the ''1950 Act'' shall be considered to be made to provisions of the Act entitled ''An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,'' approved on August 9, 1950 (16 U.S.C. 777 et seq.).

Section 3602 establishes a new boating and fishing outreach and communications initiative. Subsection (a) of this section amends section 2 of the 1950 Act (16 U.S.C. 777a) to make technical changes and to establish definitions for the terms ''outreach and communications program'' and ''aquatic resource education program''. Subsection (b) amends section 4 of the 1950 Act (16 U.S.C. 777c) to provide funding for a National Outreach and Communications Program beginning in fiscal year (FY) 1999 through FY 2003. Funding for this program is allocated from the Sport Fish Restoration Account of the Aquatic Resources Trust Fund. In FY 1999 the program receives $5 million, with the amount increasing to $10 million in FY 2003. Subsection (b) also authorizes the Secretary to use for this program up to $2.5 million annually from the funds available for administration. In addition, this subsection prohibits the Secretary from using funds available for administration to replace funding traditionally provided through general appropriations. Furthermore, the Secretary is required to publish annually in the Federal Register a detailed accounting of the projects and programs that receive administrative funds.

Section 3602(c) amends section 8 of the 1950 Act (16 U.S.C. 777g) to change the percentage of State funding required to be used to enhance boating access from 12.5 percent to 15 percent and to change the percentage of State funding allowed to be used for aquatic resource education and outreach and communications from 10 percent to 15 percent. This subsection also adds new provisions to section 8 that: (1) require the Secretary, in cooperation with the Sport Fishing and Boating Partnership Council, to develop and implement a national plan for outreach and communications within one year of enactment of the bill; (2) require that the plan provide for the establishment of a national outreach and communications program; (3) authorize the Secretary to provide funding to make grants to the States or private entities for the cost of carrying out outreach or communications programs under the plan; and (4) require the States to develop plans for outreach and communications programs within one year of the completion of the national plan.

Section 3603 makes changes to the Clean Vessel Act of 1992 (P.L. 102–587, title V, subtitle F). Specifically, this section amends section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) to provide annually in FY 1999 through FY 2003 funding totaling $84 million, reduced by 82 percent of the amount appropriated for boat safety from the Boat Safety Account. These funds are allocated as follows: (1) $10 million for vessel pumpout facilities under section 5604 of the Clean Vessel Act (33 U.S.C. 1322 note); (2) $10 million for a new boating infrastructure program established under section 3604 of this subtitle; and (3) the remainder for State recreational boating safety programs under section 13106 of title 46, U.S. Code. This section ensures that States receive between $59 million and $72 million annually for State boating safety programs.

Section 3604 establishes a program to improve boating infrastructure. Subsection (a) states that the purpose of this section is to provide funds to the States for the development and maintenance of public facilities for transient nontrailerable recreational vessels. Subsection (b) amends section 8 of the 1950 Act (16 U.S.C. 777g) to require the Secretary, in consultation with the States, to develop a national framework that can be sued by the States to conduct surveys to determine their boat access needs. Each State agreeing to conduct a public boat access needs survey would be required to report its findings to the Secretary within 18 months for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

Section 3604(c) allows a State, within 6 months of submitting a public boat access

needs survey to the Secretary, to submit to the Secretary plans for the construction, renovation, and maintenance of public facilities for transient nontrailerable recreational vessels. Subsection (d) directs the Secretary to make grants to the States for constructing, renovating, or maintaining public facilities for transient nontrailerable recreational vessels, and establishes priorities for such grants, including projects proposed in accordance with a State plan under subsection(c). Grants made to State under this subsection may not exceed 75 percent of the cost incurred by the State for these projects. Subsection (e) defines the terms ''nontrailerable recreational vessel'' and ''public facilities for transient nontrailerable recreational vessels.''

Section 3605 makes changes to the Recreational Boating Safety Program administered by the U.S. Coast Guard. Subsection (a) of this section amends section 13104(a) of title 46, U.S. Code, to reduce the amount of time that States have to obligate funds received under the Recreational Boating Safety Program from 3 years to 2 years. Subsection (b) amends section 13106 of title 46, U.S. Code, to specify that an amount equal to the sum of (1) appropriations from the Boat Safety Account and (2) transfers to the Secretary of Transportation under the Clean Vessel Act (as amended by section 3603 of this bill) will be available annually for the Recreational Boating Safety Program. Of this amount, $5 million is provided to the Coast Guard annually for expenses related to the coordination and administration of the program. Subsection (c) makes conforming amendments to section 13106 of title 46, U.S. Code.

Conference substitute

The conference substitute adopts the Senate amendment, with technical and other changes described as follows:

Section 7401 of the conference substitute provides that subtitle D of title VI of this Act may be cited as the ''Sportfishing and Boating Safety Act of 1998.''

Section 7403 eliminates the requirement that the Secretary use $10 million in FY 1999 for qualified boating infrastructure projects under section 7404(d) of the conference substitute, and makes these funds available in FY 1999 for the Sport Fish Restoration Program. This section also reduces the amount available for these projects in FY 2000 through 2003 from $10 million annually to $8 million, and makes the $2 million differential available for the Sport fish Restoration Program.

Section 7404 of the conference substitute clarifies that grants for facilities for transient nontrailerable recreational vessels under this section may be available for either publicly or privately owned facilities provided that the facilities are available to the general public, as determined by the Secretary. The conferees intend that, in making this determination, the Secretary should develop guidelines which, among other things, establish reasonable costs to ensure that such facilities are available to the general public.

Section 7405(b) of the conference substitute provides that, of the $5 million available annually for Coast Guard administration, $2 million will be used by the Secretary of Transportation annually to ensure compliance with chapter 43 of title 46, U.S. Code. This funding will enable the Coast Guard to improve boating safety by more vigorously enforcing existing provisions designed to prevent boating defects.

REVENUE TITLE

I. HIGHWAY-RELATED TAXES AND TRUST FUND

A. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES

1. Highway-related taxes and exemptions

Present Law

Tax rates

Highway Trust Fund excise taxes are imposed on gasoline, diesel fuel, kerosene, special motor fuels, on heavy truck and tire sales, and on the use of heavy trucks. The Highway Trust Fund tax rates are scheduled to expire after September 30, 1999, except for 4.3 cents per gallon of the motor fuels excise tax (which is permanent).

The current Highway Trust Fund excise tax rates are as follows:

Item	Tax rate [1]
Motor fuels:	
Gasoline	18.3
Diesel and kerosene	24.3
Special motor fuels generally	18.3 [2]
Compressed natural gas (''CNG'').	4.3 [3]
Retail sales of heavy highway vehicles.	12% of retail price
Heavy truck tires	Graduated tax on tires weighing more than 40 lbs.
Annual highway vehicle use	Graduated tax on vehicles of 55,000 lbs. or more

[1] Motor fuel tax rates include the permanent 4.3 cents-per-gallon fuels tax; the rates do not include the 0.1-cent-per-gallon tax on motor fuels for the Leaking Underground Storage Tank Trust Fund.

[2] The rate is 13.6 cents per gallon for propane, 11.9 cents per gallon for liquified natural gas (''LNG'), and 11.3 cents per gallon for methanol fuel from natural gas, each based on the relative energy equivalence of the fuel to gasoline.

[3] The statutory rate is 48.54 cents per thousand cubic feet (''MCF').

Motor fuels exemptions

Present law provides exemptions (including partial exemptions for specified uses of taxable fuels or for specified fuels) for governments or for certain uses not involving use of the highway system (such as farming).

LNG, propane, CNG, and methanol derived from natural gas are subject to reduced tax rates based on the energy equivalence of these fuels to gasoline.

Ethanol and methanol derived from renewable sources (e.g., biomass) are eligible for income tax benefits (the ''alcohol fuels credit'') equal to 54 cents per gallon for ethanol and 60 cents per gallon for methanol. The alcohol fuels credit is scheduled to expire after December 31, 2000, or earlier if the Highway Trust Fund taxes actually expire before that time. In addition, small ethanol producers are eligible for a separate 10-cents-per-gallon tax credit. The 54-cents-per-gallon ethanol and 60-cents-per-gallon renewable-source methanol tax credits may be claimed through reduced excise taxes paid on gasoline and special motor fuels as well as through income tax credits. The authority to claim the ethanol and renewable-source methanol tax benefits through excise tax reductions is scheduled to expire after September 30, 2000, or earlier if the Highway Trust Fund taxes actually expire before then.

House Bill

Tax rates

The House bill extends the Highway Trust Fund excise taxes, other than the heavy truck tire tax, through September 30, 2005. The tire tax is extended through September 30, 2000, and then is repealed.

Motor fuels tax exemptions and alcohol fuels credits

The House bill extends the current motor fuels tax exemptions generally for the period concurrent with the extension period for the taxes, except that the present-law expirations for the ethanol and renewable-source methanol exemptions (and income tax credits) are retained.

Effective date

Date of enactment.

Senate Amendment

Tax rates

The Senate amendment extends all Highway Trust Fund excise taxes through September 30, 2005.

Motor fuel exemptions and alcohol fuels credits

The Senate amendment is the same as the House bill with respect to the extension of the general motor fuels tax exemptions. The Senate amendment extends the ethanol and renewable-source methanol tax provisions through September 30, 2007 (excise tax reduction) and December 31, 2007 (income tax credit), respectively. Further, the Senate amendment reduces the ethanol benefit from 54 cents per gallon to 53 cents per gallon for 2001–2002, 52 cents per gallon for 2003–2004, and 51 cents per gallon for 2005–2007.

Effective date

Date of enactment.

Conference agreement

Tax rates

The conference agreement follows the Senate amendment.

Motor fuel exemptions and alcohol fuels credits

The conference agreement follows the Senate amendment.

Effective date

Date of enactment.

2. Motor fuels tax refund procedure

Present law

Gasoline and diesel fuel excise tax refunds are administered separately, subject to separate quarterly minimum filing thresholds. For gasoline, the minimum refund claim is $1,000 in the calendar quarter to which the claim relates. Certain diesel fuel claims are subject to this same standard; certain other diesel and aviation fuel claims may be filed in any of the first three calendar quarters in which the aggregate year-to-date refund equals $750. Fourth quarter refunds must be claimed as income tax credits regardless of amount.

House Bill

The House bill combines refund procedures for all taxable motor fuels, allowing aggregation of quarterly amounts and filing of refund claims once a single $750 minimum amount is reached (determined on a year-to-year basis rather than an individual quarter basis). Fourth quarter refund claims are allowed under the same rules as applicable to the first three quarters.

Effective date

Claims filed after September 30, 1998.

Senate amendment

No provision.

Conference agreement

The conference agreement follows the House bill.

3. Requirement that motor fuels terminals offer dyed fuel

Present law

Diesel fuel and kerosene (after June 30, 1998) are taxed on removal from a registered terminal facility unless the fuel is destined for a nontaxable use and is indelibly dyed. After June 30, 1998, terminals must offer dyed fuel as a condition of being allowed to store untaxed fuel.

House bill

The House bill delays the effective date of the requirement that terminals offer dyed fuel for two years, to July 1, 2000.

Effective date

Date of enactment.

Senate amendment

The Senate amendment is the same as in the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

B. HIGHWAY TRUST FUND PROVISIONS

Present law

Transfers of revenues to Highway Trust Fund

Gross receipts from current highway excise taxes are dedicated to the Highway Trust Fund for taxes imposed through September 30, 1999, and received in the Treasury before July 1, 2000, under provisions of section 9503 of the Internal Revenue Code (the ''Code').

Interest on Highway Trust Fund balances; unspent balances

The Highway Trust Fund earns interest on cash balances each year from investments in Treasury securities (sec. 9602). Cash balances remain in the Highway Trust Fund until expended.

Highway Trust Fund expenditure authority

The Code authorizes expenditures (subject to appropriations Acts) from the Highway Trust Fund through September 30, 1998, for purposes provided in authorizing legislation, as in effect on the date of enactment of Public Law 105-130. No Highway Trust Fund monies may be spent for a purpose not approved as of the last updating of the Code reference to the most recent authorizing legislation changes.

The Highway Trust Fund is divided into two Accounts: a Highway Account and a Mass Transit Account, each of which is the funding source for specific transportation programs. The Highway Account receives revenues from all non-fuel highway-related excise taxes plus revenues from all but 2.85 cents per gallon[4] of the highway motor fuels excise taxes. The Mass Transit Account currently receives the 2.85 cents per gallon from the highway motor fuels excise taxes.[5]

Highway Trust Fund anti-deficit provisions

Highway Trust Fund spending is limited by two anti-deficit provisions, which are internal to each of the Accounts. The first limits the unfunded Highway Account authorizations at the end of any fiscal year to amounts not exceeding the unobligated balance plus revenues projected to be collected for that Account by the dedicated excise taxes during the following two fiscal years. The second provision similarly limits unfunded Mass Transit Account authorizations to the dedicated excise tax revenues projected to be collected during the next fiscal year. If either of these provisions is violated, spending for programs funded by the respective Accounts is to be reduced proportionately, similar to a Budget Act sequester.

1997 transfer of 4.3-cents-per-gallon tax revenues not for direct spending

The Taxpayer Relief Act of 1997 (the ''1997 Act'') transferred revenues from the additional 4.3-cents-per-gallon highway fuels taxes to the Highway Trust Fund, effective on October 1, 1997. The 1997 Act provided that those revenues could not be used to increase direct spending under the 1991 authorizing legislation.

House bill

Transfers of revenues to Highway Trust Fund

The House bill transfers the gross receipts from current highway excise taxes (as modified by the House bill repeal of the heavy truck tire excise tax on October 1, 2000) through September 30, 2005. Consistent with present law, pre-October 1, 2005 amounts received after September 30, 1999 with respect to highway excise tax liabilities will continue to be transferred to the Highway Trust Fund through June 30, 2006.

Interest on Highway Trust Fund balances; unspent balances

Under the House bill, the Highway Trust Fund earns no further interest on its cash balances after September 30, 1998.

The House bill cancels certain ''excess'' Highway Trust Fund's Highway Account balance (the amount in excess of $8 billion) on October 1, 1998.

Highway Trust Fund expenditure authority

The House bill extends the Highway Trust Fund expenditure authority through September 30, 2003, and updates the expenditure purposes for the Highway and Mass Transit Accounts to the purposes as included in the current House bill authorizing legislation (H.R. 2400).

Provisions are incorporated into the Highway Trust Fund specifying that expenditures from the Highway Trust Fund may occur only as provided in the Internal Revenue Code. The House bill clarifies that the expenditure authority expiration date does not preclude disbursements to liquidate contracts which are validly entered into before the expiration date. Expenditures for contracts entered into or for amounts otherwise obligated after an expiration date (or for other non-contract authority purposes under non-Code provisions) are not to be permitted, notwithstanding the subsequently enacted authorization or appropriations legislation. If any such subsequent legislation authorizes such expenditures, or such expenditures occur by administrative action in the contravention of the Code restrictions, excise tax revenues otherwise to be deposited in the Highway Trust Fund are to be retained in the General Fund beginning on the date of such unauthorized action.

Highway Trust Fund anti-deficit provisions

The House bill conforms the one-year anti-deficit rule in the Mass Transit Account to the two-year rule in the Highway Account.

Highway Trust Fund technical corrections

The House bill includes two technical corrections to the 1997 Act relating to the Highway Trust Fund excise tax revenues:

(1) Excise tax revenues attributable to LNG, CNG, propane, and methanol from natural gas are divided between the Highway and Mass Transit Accounts in the same proportions as gasoline tax revenues are divided between those two accounts; and

(2) The amount of highway motor fuels tax revenues transferred to the Mass Transit Account is corrected to 2.86 cents per gallon (rather than 2.85 cents per gallon as erroneously provided in the 1997 Act).

1997 transfer of 4.3-cents-per-gallon tax revenues

The House bill deletes a provision of the 1997 Act providing that the transfer of the additional 4.3 cents per gallon in fuels tax revenues to the Highway Trust Fund and a one- time adjustment to fuels tax deposit requirements do not affect direct spending under the 1991 authorizing legislation as ''deadwood.'

Effective date

Date of enactment.

Senate amendment

Transfers of revenues to Highway Trust Fund

The Senate amendment is the same as the House bill, except that the Senate amendment (as noted above) does not repeal the tire tax.

Interest on Highway Trust Fund balances; unspent balances

No provision.

Highway Trust Fund expenditure authority

The Senate amendment is the same as the House bill with respect to extending the Highway Trust fund expenditure authority through September 30, 2003. The Senate amendment updates the expenditure purposes for the Highway and Mass Transit Accounts to the purposes as included in the current Senate authorizing legislation (H.R. 2400 as amended by the Senate).

The Senate amendment also is the same as the House bill with respect to specifying that expenditures from the Highway Trust Fund may occur only as provided in the Internal Revenue Code, and the clarification relating to liquidations of contract authority.

Highway Trust Fund anti-deficit provisions

The Senate amendment is the same as the House bill.

Highway Trust Fund technical corrections

The Senate amendment is the same as the House bill.

1997 transfer of 4.3 cents-per-gallon tax revenues

The Senate amendment is the same as the House bill.

Effective date

Date of enactment.

Conference agreement

Transfers of revenues to Highway Trust Fund

The conference agreement follows the Senate amendment.

Interest on Highway Trust Fund balances; unspent balances

The conference agreement follows the House bill, with a modification deleting the cancellation of a portion of the Mass Transit Account balance.

Highway Trust Fund expenditure authority

The conference agreement follows the House bill and the Senate amendment by updating the Highway Trust Fund expenditure purposes to include the purposes in the current authorizing legislation (H.R. 2400) as enacted and as in effect on the date of enactment.

Highway Trust Fund anti-deficit provisions

The conference agreement follows the House bill and the Senate amendment.

Highway Trust Fund technical corrections

The conference agreement follows the House bill and the Senate amendment.

1997 transfer of 4.3-cents-per-gallon tax revenues

The conference agreement follows the House bill and the Senate amendment.

Effective date

Date of enactment.

II. OTHER TRUST FUND PROVISIONS

A. AQUATIC RESOURCES TRUST FUND

Present law

Revenue transfers

Gasoline and special motor fuels used in motorboats and gasoline used in small engines are subject to excise tax in the same manner and at the same rates as gasoline and special motor fuels used in highway vehicles. Of the tax revenues from motorboat and small-engine use, 6.8 cents per gallon is retained in the General Fund; 11.5 cents per gallon is transferred to the Aquatic Resources Trust Fund (''Aquatic Fund'').

Under present law, transfers of the motorboat fuels tax revenues go to the Boat Safety Account of the Aquatic Fund (up to $70 million per fiscal year).[6] Of amounts in excess of $70 million, $1 million per fiscal year goes to

[4] A technical correction (to 2.86 cents per gallon) is included in this revenue title (H.R. 2400), and also in Title VI of H.R. 2676 as passed by the House and the Senate.

[5] Ibid.

[6] The unobligated balance in the Boat Safety Account is limited to $70 million.

the Land and Water Conservation Fund (''Land and Water Fund''), and the balance goes to the Sport Fish Restoration Account of the Aquatic Fund. The authority to transfer revenues to the Aquatic Fund and Land and Water Fund is scheduled to expire after September 30, 1998.

Revenues from the 11.5-cents-per-gallon tax rate on gasoline used in small engines is deposited in a Wetlands sub-account in the Aquatic Fund for use in wetlands conservation efforts.

Expenditure authority

Expenditures from the Boat Safety Account and the Land and Water Fund are subject to appropriation Acts. The Sport Fish Restoration Account has a permanent appropriation, and all monies transferred to that Account are automatically appropriated in the fiscal year following the fiscal year of receipt.

Under present law, expenditures are authorized from the Boat Safety Account as follows:

(1) One-half of the amount allocated to the Account are for State boating safety programs; and

(2) One-half of the amount allocated to the Account are for operating expenses of the Coast Guard to defray the costs of services provided for recreational boating safety.

House bill

Revenue transfers

The House bill extends the transfer of 11.5 cents per gallon of motorboat fuels tax revenues to the Boat Safety Account of the Aquatic Fund and of small-engine gasoline tax revenues to the Wetlands sub-account of the Aquatic Fund through September 30, 2003. In addition, the 6.8-cents-per-gallon portion of the tax on motorboat fuels and small-engine gasoline that currently is retained in the General Fund is transferred to the Aquatic Fund. This provision is phased-in, with the transfer to the Aquatic Fund of 3.4 cents per gallon for the period October 1, 1999 through September 30, 2000, and at 6.8 cents per gallon for the period October 1, 2000 through September 30, 2003.

Transfers of motorboat fuels tax revenues to the Boat Safety Account are changed to equal one-half of such revenues each fiscal year, with a limit on the balance in that Account equal to no more than one-half of the prior year's motorboat fuels tax revenues.

Effective date.

October 1, 1998 for the transfer of the 11.5 cents-per-gallon rate to the Aquatic Fund, October 1, 1999 for the transfer of the 3.4-cents-per-gallon rate, and October 1, 2000 for the transfer of the 6.8-cents-per-gallon rate.

Expenditure authority

Expenditure authority for the Boat Safety Account of the Aquatic Fund is extended through September 30, 2003. The expenditure purposes of the Aquatic Fund are conformed to those in effect in the House bill as of the date of enactment of H.R. 2400.

Provisions identical to those described above under the House bill for the Highway Trust Fund are incorporated into the Aquatic Fund clarifying that expenditures from the Aquatic Fund may occur only as provided in the Code.

Effective date.

October 1, 1998.

Senate amendment

Revenue transfers

The Senate amendment extends the transfers of 11.5 cents per gallon of motorboat fuels tax revenues to the Boat Safety Account of the Aquatic Fund and of small-engine gasoline tax revenues to the Wetlands sub-account of the Aquatic Fund through September 30, 2003.

Effective date.

October 1, 1998.

Expenditure authority

The Senate amendment is the same as the House bill with respect to the extension of the expenditure authority for the Boat Safety Account through September 30, 2003. The expenditure purposes of the Aquatic Fund are conformed to those in effect in the Senate amendment as of the date of enactment.

The Senate amendment clarifying that expenditures from the Aquatic Fund may occur only as provided in the Code is the same as the House bill provision.

Effective date.

October 1, 1998.

Conference agreement

Revenue transfers

The conference agreement follows the House bill and the Senate amendment with respect to extension of transfers of 11.5 cents per gallon of motorboat fuels tax revenues to the Boat Safety Account and Wetlands sub-Account of the Aquatic Fund through September 30, 2003.

The conference agreement follows the House bill in transferring additional motorboat fuels tax and small-engine gasoline revenues to the Aquatic Fund. The conference agreement provides that an additional 1.5 cents per gallon of taxes imposed during fiscal years 2002 and 2003, and an additional 2 cents per gallon thereafter, will be transferred to the Aquatic Fund.

Effective date.

October 1, 1998.

Expenditure authority

The conference agreement follows the House bill and the Senate amendment with respect to the extension of the expenditure authority for the Boat Safety Account through September 30, 2003. The expenditure purposes of the Aquatic Fund (including those of the Sport Fish Restoration Account) are conformed to those purposes in effect in the authorizing provisions of the bill as of the date of enactment.

The conference agreement follows the House bill and the Senate amendment with respect to the clarification that expenditures from the Aquatic Fund may occur only as provided in the Code.

Effective date.

October 1, 1998.

B. NATIONAL RECREATIONAL TRAILS TRUST FUND

Present law

The National Recreational Trails Trust fund (''Trails Fund'') was established in the Intermodal Surface Transportation Efficiency Act of 1991 (''1991 Act'). Revenues from 11.5 cents per gallon of motor fuels taxes from fuel used in nonhighway recreational vehicles[7] are authorized to be transferred from the Highway Trust Fund to the Trails Fund through September 30, 1998. Transfers to the Trails Fund are contingent on appropriations occurring from the Trails Fund. To date, no such appropriations have been enacted; thus, no actual transfers of revenues have been made to the Trails Fund.

Expenditures are authorized from the Trails Fund, subject to appropriations,[8] for allocations to States for use on trails and trail-related projects as set forth in the 1991 Act. Authorized expenditure uses include (1) acquisition of new trails and access areas, (2) maintenance and restoration of existing trails, (3) State environmental protection education programs, and (4) related program administrative costs.

House bill

The House bill repeals the Trails Fund, and the transfers of nonhighway recreational fuels taxes to the Trails Fund.

Effective date.

October 1, 1998.

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment. (Under authorizing provisions of the bill, Highway Trust Fund expenditures are authorized for similar purposes to those of the Trails Fund.)

III. ADDITIONAL REVENUE PROVISIONS

A. RAIL FUELS EXCISE TAX

Present law

Diesel fuel and gasoline used in trains are subject to a 5.65-cents-per-gallon excise tax. Of this amount, 0.1 cent per gallon is dedicated to the Leaking Underground Storage Tank Trust Fund; this rate is scheduled to expire after March 31, 2005. The remaining 5.55 cents per gallon is a General Fund tax, with 4.3 cents per gallon being permanently imposed and 1.25 cents per gallon being imposed through September 30, 1999.

House bill

The 4.3-cents-per-gallon General Fund excise tax imposed on fuel used in trains is repealed.

Effective date.

October 1, 2000.

Senate amendment

The Senate amendment repeals the 1.25-cents-per-gallon tax on fuel used in trains.

Effective date.

March 1, 1999.

Conference agreement

The conference agreement follows the Senate amendment, except for the effective date.

Effective date.

November 1, 1998.

B. INCOME TAX PROVISIONS

1. Tax-exempt financing of certain highway projects

Present law

Present law exempts interest on State or local government bonds from the regular income tax if the proceeds of the bonds are used to finance governmental activities of those entities and the bonds are repaid with governmental revenues. Interest on bonds issued by States or local governments acting as conduits to provide financing for private persons is taxable unless a specific exception is provided in the Code. No such exception is provided for bonds issued to provide conduit financing for privately constructed and/or privately operated toll roads and similar highway infrastructure projects.

House bill

No provision.

Senate amendment

The Senate amendment authorizes the construction of up to 15 highway infrastructure projects, such as toll roads involving private business participation. These projects are to be eligible for tax-exempt private activity

[7] Nonhighway recreational fuels taxes are taxes imposed on (1) fuel used in vehicles and equipment on recreational trails or back country terrain, or (2) fuel used in camp stoves and other outdoor recreational equipment. Such revenues do not include small-engine gasoline tax revenues, which are transferred to the Aquatic Fund.

[8] If appropriations were enacted from the Trails Fund, there is an obligational ceiling of $30 million per fiscal year under the 1991 Act.

bond financing. Bonds for these projects generally are to be subject to all Code provisions governing issuance of tax-exempt private activity bonds except the annual State volume limits (sec. 146). No proceeds of these bonds may be used to finance the acquisition of land. In lieu of the State volume limits, the aggregate amount of bonds that can be issued under this pilot project is $15 billion (as allocated by the Department of Transportation in consultation with the Department of the Treasury).

Conference agreement

The conference agreement does not include the Senate amendment.

2. Tax treatment of parking and transit benefits

Present law

Under present law, qualified transportation fringe benefits provided by an employer are excluded from an employee's gross income. Qualified transportation fringe benefits include parking, transit passes, and vanpool benefits. In addition, in the case of employer-provided parking, no amount is includible in income of an employee merely because the employer offers the employee a choice between cash and employer-provided parking. Transit passes and vanpool benefits are only excludable if provided in addition to, and not in lieu of, any compensation otherwise payable to an employee. Under present law, up to $175 per month (for 1998) of employer-provided parking and up to $65 per month (for 1998) of employer-provided transit and vanpool benefits are excludable from gross income. These dollar amounts are indexed for inflation.

House bill

No provision.

Senate amendment

The Senate amendment permits employers to offer employees the option of electing cash compensation in lieu of any qualified transportation benefit, or a combination of any of such benefits. As under present law, qualified transportation benefits include employer-provided transit passes, parking, and vanpooling. Thus, under the Senate amendment, no amount is includible in gross income or wages merely because the employee is offered the choice of cash and one or more qualified transportation benefits. The amount of cash offered is includible in income and wages only to the extent the employee elects cash.

In addition, the Senate amendment increases the exclusion for transit passes and vanpooling to $100 per month. The $100 amount is indexed as under present law.

Further, the Senate amendment provides that there is no indexing of any qualified transportation benefit in 1999.

Effective date.

The provision permitting a cash option for any transportation benefit is effective for taxable years beginning after December 31, 1997; the increase in the exclusion for transit passes and vanpooling to $100 per month is effective for taxable years beginning after December 31, 2001; and indexing on the $100 amount for transit passes and vanpooling is effective for taxable years beginning after December 31, 2002.

Conference agreement

The conference agreement follows the Senate amendment. Thus, as under the Senate amendment, no amount is includible in gross income or wages merely because the employee is offered the choice of cash in lieu of one or more qualified transportation benefits, or a combination of such benefits. In addition, no amount is includible in income or wages merely because the employee is offered a choice among qualified transportation benefits.

Effective date.

The conference agreement follows the Senate amendment.

3. Purposes for which Amtrak NOL monies may be used in non-Amtrak States

Present law

The 1997 Act provides elective procedures that allow Amtrak to consider the tax attributes of its predecessors in the use of its net operating losses. The election is conditioned on Amtrak agreeing to make payments equal to one percent of the amount it receives as a result of the election to each of the non-Amtrak States. The non-Amtrak states are required to spend these monies to finance qualified expenses. Qualified expenses include the capital costs connected with the provision of intercity passenger rail and bus service, the purchase of intercity rail service from Amtrak, and the payment of interest and principle on obligations incurred for a qualified purpose. Any amounts not spent for qualified purposes by 2010 must be returned to the Treasury.

House bill

No provision.

Senate amendment

The Senate amendment expands the list of qualified expenses to include: (1) capital expenditures related to State-owned rail operations in the State; (2) projects eligible to receive funding under section 5309, 5310, or 5311 of Title 49; (3) projects that are eligible to receive funding under section 130 or 152 of Title 23; (4) upgrading and maintenance of intercity primary and rural air service facilities, including the purchase of air service between primary and rural airports and regional hubs; and (5) the provision of passenger ferryboat service within the State.

Effective date.

The provision is effective as if included in the Taxpayer Relief Act of 1997 (effective on August 5, 1997).

Conference agreement

The conference agreement follows the Senate amendment with further additions to the list of qualified expenses. Additional qualified purposes added by the conference agreement include harbor improvements and certain highway improvements that are eligible to receive funding under section 103, 133, 144, and 149 of Title 23.

Effective date.

The conference agreement follows the Senate amendment.

4. Tax treatment of certain Federal environmental grants

Present law

Certain Federal grants are excluded from income with taxpayers receiving no basis in assets financed with the grant monies. Other Federal grant programs result in income exclusion when the grant is received, but taxpayers receive basis in the grant-financed property.

House bill

No provision.

Senate amendment

The Senate amendment provides that, to the extent provided under present law, grants under the authorizing provisions of the Senate amendment relating to a Congestion Mitigation and Air Quality (''CMAQ'') Program are not includible in taxable income when received, and that no credit or other deduction is allowed to taxpayers with respect to the property (or other expenditures) financed directly or indirectly with the CMAQ funds. The basis of such property is to be reduced by the portion of the cost of the property that is attributable to the CMAQ payment.

Conference agreement

The conference agreement does not include the Senate amendment.

LIMITED TAX BENEFITS IN THE REVENUE TITLE SUBJECT TO THE LINE ITEM VETO ACT

Present Law

The Line Item Veto Act amended the Congressional Budget and Impoundment Act of 1974 to grant the President the limited authority to cancel specific dollar amounts of discretionary budget authority, certain new direct spending, and limited tax benefits. The Line Item Veto Act provides that the Joint Committee on Taxation is required to examine any revenue or reconciliation bill or joint resolution that amends the Internal Revenue Code of 1986 prior to its filing by a conference committee in order to determine whether or not the bill or joint resolution contains any ''limited tax benefits,'' and to provide a statement to the conference committee that either (1) identifies each limited tax benefit contained in the bill or resolution, or (2) states that the bill or resolution contains no limited tax benefits. The conferees determine whether or not to include the Joint Committee on Taxation statement in the conference report. If the conference report includes the information from the Joint Committee on Taxation identifying provisions that are limited tax benefits, then the President may cancel one or more of those, but only those, provisions that have been identified. If such a conference report contains a statement from the Joint Committee on Taxation that none of the provisions in the conference report are limited tax benefits, then the President has no authority to cancel any of the specific tax provisions, because there are no tax provisions that are eligible for cancellation under the Line Item Veto Act.

Conference Statement

The Joint Committee on Taxation has determined that the revenue title to H.R. 2400 contains no provision involving limited tax benefits within the meaning of the Line Item Veto Act.

Pursuant to the order of the House on April 1, 1998, the Speaker appointed the following conferees for consideration of the House bill (except title XI) and the Senate amendment (except title VI), and modifications committed to conference:

BUD SHUSTER,
THOMAS E. PETRI,
SHERWOOD L. BOEHLERT,
JAY KIM,
STEPHEN HORN,
TILLIE K. FOWLER,
RICHARD H. BAKER,
ROBERT W. NEY,
JACK METCALF,
JAMES L. OBERSTAR,
NICK RAHALL,
ROBERT A. BORSKI,
ROBERT E. WISE, Jr.,
JIM CLYBURN,
BOB FILNER,

As additional conferees from the Committee on Commerce, for consideration of provisions in the House bill and Senate amendment relating to the Congestion Mitigation and Air Quality Improvement Program; and sections 124, 125, 303, and 502 of the House bill; and sections 1407, 1601, 1602, 2103, 3106, 3301–3302, 4101–4104, and 5004 of the Senate amendment and modifications committed for conference:

TOM BLILEY,
MICHAEL BILIRAKIS,
JOHN D. DINGELL,

Provided that Mr. Tauzin is appointed in lieu of Mr. Bilirakis for consideration of sections

1407, 2103, and 3106 of the Senate amendment.

BILLY TAUZIN,

As additional conferees from the Committee on Ways and Means, for consideration of title XXI of the House bill and title VI of the Senate amendment, and modifications committed to conference:

JIM NUSSLE,
KENNY C. HULSHOF,

As additional conferees from the Committee on Ways and Means, for consideration of title XXI of the House bill and title VI of the Senate amendment, and modifications committed to conference:

CHARLES B. RANGEL,
Managers on the Part of the House.

From the Committee on Environment and Public Works:

JOHN H. CHAFEE,
JOHN WARNER,
BOB SMITH,
DIRK KEMPTHORNE,
JIM INHOFE,
CRAIG THOMAS,
CHRISTOPHER S. BOND,
TIM HUTCHINSON,
WAYNE ALLARD,
MAX BAUCUS,
DANIEL PATRICK MOYNIHAN,
HARRY REID,
BOB GRAHAM,
JOSEPH LIEBERMAN,
BARBARA BOXER,

From the Committee on Finance:

WILLIAM V. ROTH, Jr.,
CHUCK GRASSLEY,
ORRIN HATCH,
JOHN BREAUX,
KENT CONRAD,

From the Committee on Banking, Housing, and Urban Affairs:

ALFONSE D'AMATO,
PHIL GRAMM,
PAUL SARBANES,
CHRIS DODD,

From the Committee on Commerce, Science, and Transportation:

ERNEST HOLLINGS,

From the Committee on the Budget:

PETE DOMENICI,
DON NICKLES,
PATTY MURRAY,
Managers on the Part of the Senate.

□ 1445

APPOINTMENT OF CONFEREES ON H.R. 2676, INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. COYNE

Mr. COYNE. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. COYNE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997, be instructed to insist upon the provisions contained in the House bill and thereby not further delay needed restructuring of the Internal Revenue Service.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. COYNE) will be recognized for 30 minutes, and the gentlewoman from Connecticut (Mrs. JOHNSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion before us would instruct the House conferees to insist on the provisions of the House bill on restructuring the Internal Revenue Service and thereby expedite IRS reform. Not to do so would only further delay much-needed IRS reform.

The IRS is faced with extraordinary challenges in dealing with its computer modernization effort and year 2000 conversion. Further delay in enacting this legislation may make it difficult or impossible for the IRS to meet those challenges.

The House bill is the result of extensive review and hearings by the Committee on Ways and Means. It was crafted on a bipartisan basis with the help of experts from throughout the country. It also reflects the recommendations of the National Commission on the Restructuring of the IRS.

As ranking member of the Subcommittee on Oversight, I should note that the bill is good tax policy as well. The House bill is fully funded and will make significant improvements in IRS management and electronic tax return filing.

The House bill also significantly strengthens taxpayer rights. The IRS restructuring, as outlined in the House bill, deserves congressional approval without delay. I urge adoption of the motion to instruct.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. COYNE) for the spirit in which he offers his motion to instruct the conferees, to which I do not object.

As the gentleman knows, it is reasonable to expect the conferees to go into conference with the other body and to fight for the House position. Indeed, I agree with him that the House bill is a thoughtful and effective piece of legislation. I am very proud of the House bill, and I know our conferees will work hard on its behalf.

But, as the gentleman knows, the Senate is likely to consider, also, some of its ideas of importance; and there are, indeed, a few things in the Senate bill that I think we all will find in the best interest of the taxpayers. But I certainly appreciate the spirit in which the motion is offered, and I support it.

I also would like to point out that the bill was introduced on October 21, 1997, and reported by the Committee on Ways and Means only 10 days later on October 31st. It passed the House the following week on November 5th. So this House has dealt with thoroughness and appropriate speed with the need to reform the Internal Revenue Service.

I am very pleased that there is no longer any disagreement about the need for this kind of systemic, comprehensive reform. It is long overdue. We need to finish this work as quickly as we can, because, through it, we give the American people relief from irresponsible enforcement policies and harsh penalty laws.

We need to launch the new forceful partnership between government and the private sector that this bill embodies because that new partnership alone can create an effective, customer-service-oriented IRS capable of serving this Nation and its people in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. COYNE. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. COYNE) for yielding me this time and thank him for the work that he has done on the IRS Restructuring Act.

Mr. Speaker, I rise to support the motion to instruct the conferees. It has now been more than 6 months since this body passed the IRS Restructuring Act by a large bipartisan vote of 426 to 4. It is the first comprehensive provision in the IRS in more than a half a century.

I was proud to work with my colleague, the gentleman from Ohio (Mr. PORTMAN), as well as the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) and the gentleman from Pennsylvania (Mr. COYNE) on this very important legislation.

The version passed by the other body differs slightly from the version that was passed by this House. I find it somewhat amazing that it took the other body 6 months in order to consider this and bring it back with the type of changes that they made.

But the important thing for us to do in conference is to move quickly. We need to pass comprehensive reform before we get to the next tax filing season and we lose the advantage of this legislation.

I want to compliment Secretary Rubin and Commissioner Rossotti for the work that they have done reforming the IRS. Mr. Rubin is the first Secretary of the Treasury who spent his

personal time looking at the IRS and helping us in restructuring it.

I also congratulate our new Commissioner, Mr. Rossotti, for his cooperation with Congress in implementing many changes to the system. But the legislation before us sets up an important oversight board to oversee the functions of the IRS. We need to have those individuals appointed and operating as soon as possible. That is why it is important that our conferees act quickly.

The House version of the bill will protect the public, will start the process of reforming our Internal Revenue Code by first reforming the Internal Revenue Service. It makes it a much more taxpayer friendly organization.

I see my colleague, the gentleman from Ohio (Mr. PORTMAN), is now on the floor, who cochaired the national commission on which this is a product of. We really do owe that commission and its leadership our thanks for bringing forward a product that we hope now will become reality.

Mr. Speaker, I sincerely hope that we will be able to get this legislation signed quickly so that the benefits of this law can be enjoyed by all of our citizens, and then we, in this body, can start debating the issues of substantive tax reform.

All of us want to get involved in that debate, but first we must reform the tax collecting agency itself. This legislation will do it. We should move it as expeditiously as possible.

Mr. COYNE. Mr. Speaker, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), who was the cochairman of the commission that spent 1 long year studying in great detail the problems within the IRS and laid the blueprint for the reform that then we considered in our subcommittee and full committee and now is about to go to conference.

Mr. PORTMAN. Mr. Speaker, it was a long year and actually more than a year. In the end, the commission spent about a year and a half studying the various problems at the IRS; in some senses, turning the table and sort of auditing the IRS, and came back to Congress with a list of recommendations which were then, with the help of the gentleman from Maryland (Mr. CARDIN), implemented in the form of legislation.

That legislation was introduced in October, I believe. The House passed the legislation in November. The Senate, in turn, passed its legislation which is building on the House bill a few weeks ago.

I, as you know, believed that we could have done all of this last year. So, certainly, I am not for delay, and I want to commend the authors of the motion to instruct with regard to their focus on the interests of moving this forward quickly and not having further delay.

However, I will say, in all fairness, I think the Senate did improve the legislation in a few respects, and I hope that, while I will support this motion, that it is in the context of giving the conferees some flexibility to be able to accept certain Senate provisions that are an improvement.

I would mention, as an example, the Inspector General provisions. I think those are an improvement. It is something the commission, which did spend a year and a half studying the IRS but did not, frankly, get into that issue at any depth and did not make a recommendation on, and the Senate then picked up and I think improved.

So the Inspector General Service at the Treasury Department will be able to play a more effective and forceful role at the IRS, which is desperately needed.

I will also mention that the Senate added some taxpayer rights provisions which I think are quite helpful, particularly the expansion of innocent spouse relief that the gentlewoman from Connecticut (Mrs. JOHNSON) has worked hard over here in the House on as well.

I do think there are some things in the Senate bill which are going to make the IRS work even better. But it does build on the structure of the House bill; and certainly the House, having passed its legislation with such an overwhelming margin, will want to support the general direction that the House legislation took, which I think the Senate bill does.

It really is the House bill, and it is something this House I think can be very proud of because it was done on a bipartisan bases and it was done with the interests of the American taxpayer in mind. In the end, I am convinced it will lead to a new IRS.

Let me just mention three aspects of the legislation. I think they probably have already been mentioned earlier. I apologize I was not here for all of the debate.

One is in the area of taxpayer rights. There are 28 new taxpayer rights in the House bill. The Senate, as I say, adds a few other taxpayer rights that are very important, taxpayer rights in being able to suspend interest and penalties if there has not been adequate notice given to the taxpayer.

But when you add up all these taxpayer rights, what they will result in is, indeed, a new way of thinking at the IRS.

Shifting the burden of proof at the tax court level is a great example of that. Now the IRS, when they are in a dispute with a taxpayer, will be thinking about litigation strategy, whether in fact they can, as the IRS, bear that new burden of proof we are putting on them just as in the case of criminal law in this country. I think it will change the way they deal with taxpayers. It will help taxpayers who will end up with the right result for many taxpayers who, right now, are forced to settle with the IRS because the taxpayer carries that burden of proof.

I would say that that set of taxpayer rights provisions, when taken together as a whole, will definitely make a difference in terms of the attitudes and really the culture of the IRS.

The second one I will mention, I know my friend from Maryland I think was talking about it a moment ago, and this is the oversight board. This oversight board, perhaps, has been described inaccurately by both sides at times, but the thought is very simple.

You need to have at the IRS a group that has the experience in the problems that the IRS currently faces, which is information technology, taxpayer service, running a large service organization. You need to have continuity. This is why we have these 5-year staggered terms on this board, so that they will actually be able not only to talk about important reforms but implement them over time, because it will take time.

Finally, accountability. Without this kind of a board that brings in this private sector expertise I talked about and that has that kind of continuity, in other words, the follow-through to make sure these changes get made so that we do indeed create a new IRS, you are not going to have accountability. So this is a very important aspect of the change.

The final one I will mention which has not gotten much play but is very important in this legislation is changing the personnel flexibilities at the IRS to make it easier, frankly, to fire bad apples at the IRS and easier to promote people who, indeed, are doing a competent job or professional job and respecting taxpayer rights.

Taxpayer service will be a new measurement at the IRS. Rather than measuring whether taxpayer service representatives at the IRS and whether people in the compliance side are collecting more money from taxpayers, we will be measuring what kind of service employees at the IRS provide to taxpayers.

That, again, is a change in direction at the IRS. It will lead, along with these other changes, and there are 50 some odd changes to the IRS in this legislation, to a new IRS and indeed a new culture at the IRS and, in the end, will benefit our taxpayers greatly.

I would also like to, again, make the point that we have made throughout this process, that we need to do more here on Capitol Hill, both in terms of simplifying the tax code, and there is for prospective legislation a provision in this legislation which does that. It puts forth a complexity analysis. We think the House version is stronger on that. It has teeth in it. It has a point of order. It will enable us actually to enforce it.

Finally, we feel very strongly we need to consolidate the oversight on Capitol Hill. Part of the problem, of course, is that the Treasury Department is the IRS, but part of the problem resides right here in Congress. The Senate chose to delete that provision

in the legislation. I think the House conferees, I hope this is a unanimous view, will fight hard to get the House position accepted, which would be, in fact, to consolidate oversight so that we are speaking more with one voice from Capitol Hill to the IRS and be able to improve oversight in communication between lawmakers here on Capitol Hill who are elected to represent taxpayers and the Internal Revenue Service.

Mr. Speaker, I would just say in conclusion that I will be voting for this motion to instruct with the understanding that it is not going to tie our hands in terms of accepting some provisions in the Senate that perhaps were not looked at as carefully as they might have been when the House completed its legislative task. I want to commend the authors of it and hope that we can, indeed, move forward as rapidly as possible to finally give the taxpayers what is long overdue, which is, indeed, a new IRS.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for those who are watching the proceedings of this House, I hope they are not missing the bipartisan enthusiasm for real, comprehensive, significant and serious reform of one of the most important agencies of the United States Government, the Internal Revenue Service.

This is the product of 2 years of very hard work. It is a thoughtful product. It is a powerful product. Indeed, it is going to make an enormous difference to the opportunity employees of the IRS have as well as to the taxpayers that they serve.

So I am proud to support the motion and join my colleagues on both sides of the aisle in urging prompt action by the conference so this bill can be on the President's desk in the very near future.

Mr. Speaker, I yield back the balance of my time.

□ 1500

Mr. COYNE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania (Mr. COYNE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COYNE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 388, nays 1, not voting 44, as follows:

[Roll No. 189]

YEAS—388

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Canady

NOT VOTING—44

Archer
Bateman
Blunt
Burr
Burton
Conyers
DeFazio
Deutsch
Dicks
Fawell
Foley
Furse
Gephardt
Gonzalez
Green
Harman
Hefley
Hoekstra
Hutchinson
Hyde
Johnson, Sam
King (NY)
Kingston
Lofgren
McCrery
McDade
Meeks (NY)
Miller (CA)
Mollohan
Morella
Parker
Quinn
Rangel
Reyes
Riggs
Sanford
Skaggs
Smith (OR)
Stenholm
Taylor (NC)
Torres
Towns
Wamp
Wicker

□ 1521

Mr. ENGLISH of Pennsylvania changed his vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following conferees:

Mr. ARCHER, Mrs. JOHNSON of Connecticut, and Messrs. PORTMAN, RANGEL, and COYNE.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2709. An act to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles, and to implement the obligations of the United States under the Chemical Weapons Convention.

The message also announced that pursuant to Public Law 103–227, the Chair, on behalf of the President pro

tempore, appoints the following individuals to the National Skill Standards Board—

Tim C. Flynn, of South Dakota, Representative of Business; and

Jerald A. Tunheim, of South Dakota, Representative of Human Resource Professionals.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT OF RULES COMMITTEE MEETING AND LEGISLATIVE SCHEDULE

Mr. SOLOMON. Mr. Speaker, the Committee on Transportation and Infrastructure has filed the conference report on BESTEA. The Committee on Rules will be meeting at 3:35 on that. Of course, all of my colleagues know what is in this 1,000 page bill, so it should not take too long.

I would ask the Members of the Committee on Rules to please come upstairs right now, because we have another bill to act on. We will then act on BESTEA at 3:35. We will try to be back here on the floor within 15 or 20 minutes; and, hopefully, since we all know what is in the bill, we will only take a little while to debate it. We should be out of here by no later than 5 o'clock and possibly sooner, if everybody will control themselves.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces its intention to proceed to Special Orders without prejudice to the resumption of further legislative business.

EPIDEMIC OF CHILD VIOLENCE NEEDS IMMEDIATE ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise for a rather solemn occasion, one that pries at the very heartstrings of most Americans. Might I offer my sympathy to the citizens and schoolchildren and the entire State of Oregon for another tragedy of a child with a gun?

I believe it is important for this body to acknowledge that we have an epidemic. We have a situation where, if it goes unaddressed, more and more children will find a level of frustration to act out their frustration through violence, more and more lives will be lost, less attention to the issue will be given, and we will not have a solution. Our children cannot be frightened in their schools. We cannot see a greater loss of life.

As someone who passed the first parent responsibility ordinance in the City of Houston and later became State law, I do believe parents should be held responsible for children holding guns and, ultimately, winding up with a serious and tragic incident. But my main challenge, Mr. Speaker, is that this House must act, and it must act now. We have to save our children and the lives of all others. Guns in children's hands must not happen in this country.

My sympathy to those who have lost their life and to the child who acted out from frustration and heartache.

POTENTIAL DANGER FOR U.S. AS A RESULT OF TRANSFER OF TECHNOLOGY

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute.)

Mr. CUNNINGHAM. Mr. Speaker, many Members have wondered why the technology that was loosed to Communist China is dangerous to the United States. There is a lot of talk in the newspapers about different facets, but let me be specific.

In planning the war potential in different areas in all Southeast Asian countries, we looked at the ranges of different missiles. The booster that China had trouble with had problems, and we gave it the command and control guidance which allows it to target the MIRVing, which allows multiple warheads on different targets, but, even more important, the satellite technology at the Navy fighter weapon school. We can read the label on a missile stashed on an SU–27 to tell what kind of missile it is, what kind of intell.

So they not only increased the range, the targeting, they increased the ability to target U.S. cities specifically. That is why this is a problem and potential problem not only for the United States but other allied countries as well.

□ 1530

We need to look into this, Mr. Speaker. It is serious, and it is a problem.

LET THE HOUSE ENACT SOME TYPE OF CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from North Carolina (Mr. HEFNER) is recognized for 5 minutes.

Mr. HEFNER. Mr. Speaker, we have heard a lot of debate in the last couple of hours about campaign finance. I do not come here to try to influence anyone about any particular proposal. However, the gentleman from Connecticut (Mr. SHAYS) has been someone who has labored in this vineyard for many, many years. He has taken a lot of ridicule for his proposals on campaign finance. I think that this House owes a great deal to his efforts that he has had in the past.

The late Sam Ervin, who was the Senator for a lot of years from North Carolina, when talking about campaign financing, talking about how much it costs to run, he said, spending a half a million dollars or $1 million running for a job, at that particular time, that paid $44,000 was kind of like putting a $100 saddle on a $40 mule. It just did not make a lot of sense.

Someone in the debate earlier said that the average citizen cannot afford to run for Congress. Actually, the average citizen cannot even afford to run for county commissioner, because it has gotten to where campaigning is so expensive the average person cannot get involved in the political process.

There are some folks here who do not think we need to do anything on campaign financing, some who think we need to put a lot more money in campaigns. The gentleman from Texas (Mr. DELAY) did a marvelous job last night, he should get an academy award, for his opposition to any kind of campaign finance reform.

Let me just remind the Members of a couple of things. If we go back to the old days when it was only the companies, a lot of these towns would get together and they would pick their candidate and they would fund him. He would be the man that was going to win in a State House seat or a congressional seat. That way, the average guy never got to run for political office.

When I first ran for political office, I spent $44,000. I thought that that was a tremendous amount of money, and it was. We wasted a lot of that. Now it is not uncommon to spend $1 million to get a congressional seat that pays $135,000. It does not make a lot of sense, does it?

If Members think that money does not make a difference in both parties, the Democrats and Republicans, they have their sources. And I will be a little partisan on this. We heard in our newspapers and in Roll Call, in the magazines, that the business community was served notice, and the Republicans said, you have been giving too much money to the Democrats. If you are going to have any access to this Congress, you are going to have to come up with more money for Members that are running on the Republican ticket. That is soft money and hard money.

Mr. Speaker, what someone has referred to as third-party, and everybody has had it, in my district we had at the churches all these flyers that were put under the windshield wipers of the cars: If you want to vote for somebody who wants to kill babies, vote for Bill Hefner and Mike Dukakis. I do not think that was real fair, but we did know who put them under there, or what have you.

Television commercials, they do not have to tell us who is paying for these television commercials. This money comes in and it makes a tremendous hardship on people who are trying to go out and raise hard money from constituents. I challenge anybody in this

House in a regular district. I doubt if they can raise, from the constituents in hard money, in small denominations, even $200,000. So the big money plays a part in campaigns, make no mistake about that. It may not buy a direct commitment, but it buys access to this process.

I do not know what is going to pass on campaign finance reform. I am going to be leaving here after this year. Thank God I do not have to raise any more money. But if something is not done to get a handle on campaign financing and the money that influences it, it is going to get to where even the middle-income folks cannot afford to run for office.

It will only be the people that have the contacts, the people that are millionaires, that will be able to run for Congress, either that or they will be able to go out and get a pretty charismatic candidate that could never make $100,000 in the private sector and fix him up for television, get a smooth consultant, and he will get elected. But it will still be the money trail that puts people in this House. Let us put together some kind of campaign finance reform.

TRIBUTE TO AMERICA'S VETERANS AND TO DR. CARL GORMAN ON MEMORIAL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I would ask that all of us pause to remember the reason why we are preparing to take a break from our activities here in Washington, the reason why the highways will be filled with vacationers in just a couple of hours. The reason why has more to do with the history of this country than any type of chronological observance on the calendar, for we approach Memorial Day.

Mr. Speaker, I have a special wish for this coming Memorial Day, that those who are wrapped up in the ball games at the beach and the fun and the activities that surround this time of year, that those who pause not even a New York nanosecond to remember the significance and the history of this holiday, I would ask that perhaps they would pause to remember and reflect on what we approach.

In so doing, Mr. Speaker, I would remember one for whom this Memorial Day will carry a special significance, because he no longer walks among us. He passed away in February of this year. His name is Dr. Carl Gorman, one of my constituents from the Sixth Congressional District of Arizona.

Dr. Gorman has a very interesting story, because Dr. Gorman, born in 1907 in Chinle, Arizona, in the sovereign Navajo Nation, overcame many obstacles to have a chance to serve this Nation in the military.

First and foremost, we should note that the Navajo Tribal Council in fact set the pace for this Chamber, for it was the Navajo Tribal Council in 1940, over a year before the Japanese attacked Pearl Harbor, the Navajo Tribal Council passed a resolution asking the United States to enter World War II on the side of the Allies.

Then following that attack, December 7, 1941, Carl Gorman, who was older than what would fit the profile, got a little creative about his age, said he was a younger man, drove all night to the Navajo capital of Window Rock to enlist, and he and 28 others formed an elite unit, a unit so elite that its activities were not declassified until 1968.

Mr. Speaker, they were known as the Navajo Code Talkers. Dr. Gorman and his Navajo brethren went into the South Pacific using terms from their unique language, and so befuddled and confused the enemy that the code, the Navajo language, was never interpreted. That code was never broken, and it reigns as one of the great successes of World War II.

The Marine Corps high command, in looking back at the activities of Dr. Gorman and his comrades, considered the Navajo Code Talkers heroes. They determined that the Code Talkers saved hundreds if not thousands of American lives because of the success in the South Pacific. Indeed, Mr. Speaker, were it not for the actions of Carl Gorman and the Navajo Code Talkers, our Marine Corps high command believes that perhaps the battle of Iwo Jima would have had a far different outcome.

Like for so many who returned from World War II, life went on for Carl Gorman following that war. He went to art school in Los Angeles. He taught Navajo art at the University of California at Davis. He went on to work again in his home State down in Douglas, Arizona.

But always and forever on this Memorial Day and those that follow, we should remember all our veterans, yes, those who fell on the field of battle, but those who continued to contribute to their Nation, like Dr. Carl Gorman. We honor his memory and those of all veterans this Memorial Day.

CONGRESS CAN ENACT LEGISLATION TO PREVENT ACCESS TO WEAPONS FOR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, yesterday for the seventh time in the 2 years that I have been in Congress we have been witness to what can only be described as a massacre on one of America's schoolyards, for the seventh time in less than 2 years.

This experience struck a little close to home because it was in my State of Oregon. I am finding already the connections with family and friends of people who knew people who were victims of this event.

But in a sense, I hope all of us in this country who look at those anguished faces, the terror-stricken young people, the sense of what was happening in what should be a sanctuary for our youth, causes us in Congress to reflect on what we are prepared to do to try and make a difference.

Last fall we were unable to secure the right for Members of this assembly to vote on a simple piece of legislation in the juvenile crime bill that would have provided for child access protection against access to guns. This is not something that is some sort of bizarre, hard-edged gun control proposal. These efforts have already been successful in 15 American States, starting with the State of Florida, to make it clear to gun owners at the point of purchase that they have a responsibility to keep that deadly weapon from the hands of children. It requires the person who sells the gun to make available at point of purchase a lockbox or a trigger lock.

We reflect on what happened almost exactly 2 months ago today in Jonesboro, Arkansas, where there was another massacre in a schoolyard. Those two young men who are allegedly the people who inflicted that attack tried first to get the guns from one of the parents' homes. They even tried using a blowtorch, but because it was in a lockbox, they could not get access to it. Their next stop was at the home of someone who had the guns readily available to them, and the rest was history. Five people were dead.

There is no reason that we in this Chamber have to sit back and assume that there is nothing we can do to make America safer for our children. Is it going to take an example like this in the home district of some member of leadership that has denied the House the right, and then be accountable to people they know personally because of a massacre?

□ 1545

If it makes a difference stopping one of these multiple tragedies, it will be worth it. Survey research indicates that over 80 percent of the American public support this legislation. I have been involved with a voluntary program with my sheriff in Multnomah County, Portland, Oregon, Dan Nolle, who has been so enthusiastic supporting lockbox initiatives that he has decreed that every deputy who takes a loaded gun home at night has a lockbox.

There are things that we can do to make sure that this is not something that is replicated across America. I would hope that the leadership of this Chamber would look into their heart and soul and relinquish for a moment and allow the Members of the House to vote on noncontroversial, meaningful proposals that will reduce the carnage of gun violence in this country. Our young people deserve it.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, as a result of the 1996 presidential elections, the Nation's news media and many other people began to focus upon the way campaigns are financed in America. This focus was generated because of the Clinton/Gore campaign violating provisions that said, you cannot receive funds from foreign sources.

The Democratic Party is not the only one guilty of violating campaign finance laws, whether deliberately or not deliberately, because they are very complex.

I would like to suggest to my colleagues that when people talk about campaign finance, they focus on two things. First of all, they talk about special interests as if it was something horrible. Yet what special interest means is that any citizen belonging to any group in America, whether it be a nurse, a labor union member, a doctor, a tobacco farmer, a teacher, whatever, has a right to speak on issues that affect them and to join together with others to speak on issues that affect them.

Those are what you refer to as special interests. That is all that they are. All of us have some special interest. So I do not see that there is anything particularly negative about having a special interest.

The second thing that people talk about in a very negative way is this term ''soft money.'' Now, what is soft money? Soft money is money spent by any organization in America, any individual in America, any political party in America, regardless of their philosophy, to take time on television or in the newspapers or on the radio to educate the American people about issues that affect them. And they pay for that with their money. And when they run these ads, they are required to put at the bottom of the television the group that paid for it. But we all talk about soft money, and those who are advocating the Shays-Meehan bill and others are talking about, we have got to get rid of soft money.

Now, what is hard money? Hard money is money that candidates themselves and their committees spend to expressly ask that you defeat or elect a particular candidate. And hard money is regulated by the Federal Government, and it has been for some time. But reformers, when they talk about reform, it is interesting to note that they never want to talk very much about the hard money. That is the money they spend. They want to talk about the soft money. That is the money that can be spent by any person in America. And the Supreme Court has repeatedly said that it is a constitutionally protected right.

So in the Shays-Meehan bill, for example, they talk about any time within 60 days of an election, they broaden the definition of express advocacy to include any ad run 60 days prior to the election and they would stop those ads from being run, if it is paid for by soft money. It would be stopped.

And when you do that, this is what you end up guaranteeing will happen. Sixty days before an election, there will be two groups talking about candidates running for office, the candidates themselves will be running their ads and then the only other group speaking will be the news media through editorials. And it is not surprising that the news media editorialize all the time about we need campaign finance reform, because the way these bills are designed to eliminate soft money, the American people's money, the interest groups, the labor unions, the pro-choice, the environmentalists, the management groups, whatever, eliminating them spending their money, then you get down to a point that the news media is the only entity that will be editorializing on which candidate should be supported.

I hope that as we continue this discussion that we will think deeply about these terms and what they really mean.

APPLAUDS ''OPERATION CASABLANCA''—DRUG MONEY LAUNDERING CASE—CALLS FOR INVESTIGATION INTO CITICORP/CITIBANK'S ROLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, it is about time. The big money laundering bust successfully executed by the United States Customs Department is the kind of work that our government ought to be doing. Clearly we know that 70 percent of the cocaine and over half the heroin is imported by the multinational drug cartels, like the Colombian Cali cartel and the Mexican Juarez cartel. Finally, the money operations of these international syndicates have been successfully targeted.

If we are to get drugs off the streets of our communities, South Central Los Angeles, East Los Angeles and other cities, we must capture, indict and convict the white collar criminals that run the drug trade's money laundering operations and not spend all of our time and resources going after the small time street level criminal.

Without the ability to spend the profits of drug trafficking, the drug trade would come to a screeching halt. It is money laundering that keeps the drug trade going. But we must go further. We must also target the American banks who cooperate with foreign banks to launder drug money. Today I wrote to Attorney General Janet Reno to inquire about Citicorp/Citibank's involvement in the latest money laundering raid. Citicorp/Citibank is currently under investigation into its involvement with the drug money laundering activities of Raul Salinas, the former senior Mexican official and brother of former President Carlos Salinas. Citibank controls one of the three banks that was indicted just the other day in the money laundering case. Confia is one of three Mexican banks indicted in Operation Casablanca for systematic involvement in drug money laundering for the Juarez and Cali cartels.

According to the Attorney General and Customs officials, they have been involved in massive money laundering for years. Confia's previous parent group, Abaco Grupo Financiero, was recently implicated in a major bank fraud case in which Abaco's chairman was sent to prison for defrauding investors of $170 million. During the same period, Citibank worked to acquire Confia in order to expand its position in the Mexican market.

In August of 1997, Citibank signed a letter of intent to acquire Confia; this is the bank that is known to be trafficking and laundering money. They paid $45 million over the market value to secure control of Confia. Why? On May 11, 1998, Citibank took control over Mexican bank Confia and a week later guess what happened? Confia was indicted in this big drug raid. This is the bank that just was acquired by Citicorp and Citicorp acquired the bank at the same time that it was under investigation by the Justice Department for money laundering.

I am interested in determining whether Operation Casablanca raises new questions about Citicorp/Citibank's banking practices. Today we learned that, in addition to that, $4.2 million was seized in this operation from an account in Bankers Trust in New York as part of further arrests and indictments.

We do not know where this is going, and we do not know where it is going to stop, but there certainly are a lot of unanswered questions. I am pleased that this enforcement action appears to have been a success. However, we should not allow the indictment of the banks to stop at the border. They could not be successful without the cooperation of some of our American banks. We cannot allow our American banks off the hook.

To that end, I am calling on Attorney General Janet Reno to look into the role of Citicorp/Citibank, Bankers Trust of New York and any other U.S. bank that is involved in this and related money laundering cases.

Let me just say that this is a big discussion going on in this House. The Republicans have taken it up as a political issue in an election year. They would like to point their fingers at the Democrats and say, oh, you have not done enough. Let me warn the Republicans and the Democrats, this issue is not to be played with. This cannot be a short-term Band-Aid type look at these

problems. Some of us have invested priority time in trying to get to the bottom of drugs in this country. Illegal drugs are destroying America. It is our greatest risk.

I am saying to this entire Congress, we have got to be serious about the business of getting to the bottom of it. It is about time we look at big boys in high places and white collar criminals who are involved in money laundering.

I submit for the RECORD the letter to Janet Reno that requires her to look further into this matter.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 1998.

Hon. JANET RENO,
U.S. Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: As a senior member of the House Banking and Financial Services Committee, I read the reports of the U.S. Customs Service break-up of a major drug money-laundering operation with great interest. I congratulate all those involved in targeting the top levels of the Juarez and Cali cartels and their bankers and banks. I am encouraged to learn that the Attorney General's office and the Department of Treasury is starting to put more resources into targeting drug money laundering. Cutting the drug lords off from their profits is key to ending this deadly trade.

However, a careful review of the situation raises additional, unanswered questions regarding the role of U.S. banks in this investigation.

It is common knowledge that Citicorp/Citibank is under investigation, regarding its involvement with Raul Salinas' money laundering activities. We now learn that Citicorp's banking unit, Citibank, recently assumed management control over Confia—one of the three indicted banks in Operation Casablanca.

In addition to the current indictment, which came after three years of undercover investigations, Confia's parent group, Abaco Grupo Financiero S.A., recently was implicated in a major fraud case in which Abaco's chairman was imprisoned last November for defrauding investors of $170 million dollars. While Confia was engaged in systematic drug money laundering for the Juarez and Cali cartels, Citibank signed a letter of intent to acquire Confia in August of 1997. Citibank took over control of Confia on May 11.

These facts raise some serious questions about the relationship of U.S. based financial institutions to those implicated in this major money laundering case.

1. Did the acquisition of Confia by Citibank help facilitate money laundering by Confia?

2. Given what we know of the rampant money laundering activities by Confia, what was the responsibility of Citibank to exercise due diligence in the acquisition of Confia and did Citibank meet its burden?

3. Is the current investigation of the potential involvement of Citicorp/Citibank in Raul Salinas' drug money laundering activities close to concluding?

4. Are there any other U.S. financial institutions under investigation for money laundering activities?

As Members of the House Banking Committee consider the implications of Operation Casablanca with regards to the integrity of our financial system, I would greatly appreciate a prompt response to these questions.

Sincerely,

MAXINE WATERS,
Member of Congress.

THE SPACE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today to speak out on Space Day, which is actually celebrated May 21, it was yesterday, a day set aside to celebrate the anniversary of John F. Kennedy's bold challenge to land a man on the moon. The space program, as we all know, has matured tremendously. We now have the space shuttle program, which has been a tremendous success, being able to go up and return with a crew and do all kinds of very sophisticated things while on orbit, such as repair the Hubble telescope, and soon it will be launching the elements of the space station.

We have all heard about the tremendous scientific breakthroughs that have been the fruit of our space program. I know I, as a physician, saw that on a daily basis when I was practicing medicine prior to being elected to the House. Some of the technology from the space program is used on a daily basis, such as the imaging technology with MRI scanning and CAT scanning, as well as a lot of the materials science used in cardiac catheterization and prosthetic hips. But today I rise to talk about what I think may prove to be ultimately in the end one of the greatest breakthroughs that has benefited people here on Earth from our space program, and to talk about that I need to talk about a product made by a company in my district. It is called Quick Boost, and I have a can of that in my hand right here.

You put this stuff in your air conditioning unit in your car and it will cause your air conditioning unit to run about 10 to 20 percent more efficiently. Now, what is really interesting is they have a version of this that they will be releasing on the market very soon that will go in your home air conditioning unit that will cause your home air conditioning unit to run 10 to 20 percent more efficiently.

Why am I talking about this product? This product is a spin-off of the space program. Yes, it was NASA who had the need to develop more efficient air conditioning units on spacecraft that caused the technology to be developed that has gone ultimately into this product. And this product has the potential to cause the consumption of electricity to decline in the United States. It has the potential to allow us to save billions of dollars on electricity costs as well as reduce our demands for foreign oil, and probably what is more important is that families all across America, particularly those living in the South that run air conditioning units all year round, may be able to save up to as much as $20 a month, $2250 a year, which is more than equal to their tax portion of what is going to fund our space program.

□ 1600

Our space program is having a profound effect on our culture, on our society, and there is probably no better example than this product called Quick Boost made by a company in my district, Mainstream Engineering.

So for those people in this House of Representatives who frequently get up and claim that we should not be spending this money on our space program and that we should be applying it to education or health care or better roads and bridges, all of which are very worthwhile things, I challenge them to stop and think and look at all of the benefits that have accrued to us here on earth from our space program: whether it is the medical technology, whether it is through the better prediction of weather, or, yes, right down to something like this, a product that is going to decrease our reliance on foreign oil, that is going to decrease the consumption of electricity.

It will actually be good for the environment, because we will be burning less fossil fuels; and, indeed, it will help families all across this country to save a little bit of money each year, money that they can better use for their children's education, money that they can better use for braces for the kids or new tires for the car.

So the space program is more than just sending rockets up to space, it is more than just motivating our kids in science and technology, it is more than just exploring the new frontiers. It is about helping us here on earth. It is about learning ways to do things better.

I would encourage all my colleagues who have opposed funding for the space program to look at this breakthrough, to look at this technology and the billions and billions and billions of dollars of savings that it will cause our Nation in the years ahead and to rethink their position on the space program.

I encourage all of my colleagues to vote to increase NASA's budget, because these are the kinds of breakthroughs that not only will help the United States, they as well have the ability to help all of mankind and all people throughout the world.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–552) on the resolution (H. Res. 449) waiving points of order against the conference report to accompany the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. MCINNIS. MR. SPEAKER, BY DIRECTION OF THE COMMITTEE ON RULES, I CALL UP HOUSE RESOLUTION 445 AND ASK FOR ITS IMMEDIATE CONSIDERATION.

The clerk read the resolution, as follows:

H. RES. 445

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee on the legislative day of May 22, 1998, providing for consideration or disposition of the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, an amendment thereto, a conference report thereon, or an amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore (Mr. EVERETT). The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 445 is a simple resolution. The proposed rule merely waives the requirement of clause 4(b) of Rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House for resolutions reported from the committee on May 22, 1998, under certain circumstances.

This narrow, short-term, waiver only applies to special rules providing for the consideration or disposition of H.R. 2400, BESTEA, which will authorize funds for the Federal-aid highways, highway safety programs, transit programs and for other purposes, amendments thereto, a conference report thereon, or an amendment reported in disagreement from a conference for H.R. 2400.

Mr. Speaker, House resolution 445 was reported by the Committee on Rules with voice vote. The Committee recognizes the need for an expedited procedure to bring this important bill forward as soon as possible.

Mr. Speaker, approval of the conference report to H.R. 2400 will provide desperately needed funds to help rebuild America's roads and bridges. This legislation provides the resources to meet America's infrastructure needs. Simply put, this bill is going to build America, reduce congestion, save lives. I urge my colleagues to support House Resolution 445.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Colorado (Mr. MCINNIS), my good friend, for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, this rule waiving the two-thirds requirement for same day consideration of the transportation conference report is really a terrible way to legislate.

This conference report has only been available to Members for a very short period of time, and I would be willing to bet that most Members have not seen this legislation, and that very few, if any, have had a chance to read the whole conference report, unless they are actually a member of the conference committee.

Mr. Speaker, this bill is a major piece of legislation which impacts every single Congressional District in this country, but few in the House have had an opportunity to look at the final product. We are spending billions upon billions of dollars, and we should know what we are voting on.

However, having said that, I will not oppose the rule because I realize that this conference report needs to be considered by the House before we leave for the Memorial Day break. We need to get highway construction monies back in the pipeline in time for the summer construction period.

I can only add that I hope the leadership will exercise more caution in the future when a bill of this magnitude comes before the House so that it will give Members sufficient time to read and fully comprehend the contents before voting on such comprehensive, far-reaching, expensive legislation.

Mr. Speaker, although this is not a good way to legislate, this transportation bill is far too important to let it fall by the wayside at this late hour, so I will reluctantly support this two-thirds rule.

Mr. Speaker, I yield back the balance of my time.

Mr. MCINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 449

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purpose of debate only.

House Resolution 449 is a straightforward resolution. The proposed rule merely waives all points of order against the conference report and against its consideration. This resolution was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, the approval of House Resolution 449 will allow us to move forward with the consideration of the conference report to H.R. 2400, the new highway bill entitled the Transportation and Equity Act for the 21st Century.

Mr. Speaker, this is legislation that will provide desperately needed funds to help rebuild America's roads and bridges. This bill provides the resources to meet America's infrastructure needs.

Furthermore, the legislation improves safety on America's highways. For example, the conference report significantly strengthens drunk driving protections, including an increase in funding to help States enact and enforce programs to combat drunk driving. States can strengthen the .08 blood alcohol concentration legal limits, license revocation for repeat offenders, young offenders aged 21–34, and other targeted efforts.

Mr. Speaker, I urge my colleagues to support House Resolution 449 and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I once again thank the gentleman from Colorado (Mr. MCINNIS) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I would like to at this time congratulate my colleagues, the gentleman from Pennsylvania (Mr. BUD SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. JIM OBERSTAR), for their very hard work on this bill.

Despite the months and months of clamoring, despite the vastly different transportation needs of the 50 States, the gentleman from Pennsylvania and the gentleman from Minnesota have managed to come up with a bill that satisfies the vast majority of Members and, for that, they deserve our thanks.

I am sure that most Members would change a thing or two in this bill if they could, but, all things being considered, it is about the best we are going to get, and I urge all my colleagues to support it.

As far as I am concerned, this conference report is coming not a moment too soon. The Intermodal Surface Transportation Efficiency Act of 1997 expired in September of 1997. It is critical that we do not leave the States with enormous half-finished transportation projects on their hands.

Mr. Speaker, a lot of people take America's infrastructure for granted. They get in their car and drive to work or school without even thinking about it. But those roads they drive and those bridges they cross do not last forever, especially in the northeast, and we need to do our best to make sure they stay as safe and as accessible as possible.

So anyone who does not understand the need for transportation funding needs to remember that this is how we get our products to the market, this is how we get our Reebok sneakers to the malls, our Gillette blades to the malls, and our computer chips to the docks to be sent overseas.

A good transportation system creates jobs, keeps America safe and advances our country's economy. The conference report we are considering today is a 6-year bill that retains the basic structure from ISTEA, including its good environmental programs and its commitment to safety.

It also encourages equal opportunities by keeping the disadvantaged business enterprise program for women and minority-owned construction firms.

I am happy to say, Mr. Speaker, that this bill applies Federal labor standards and employee protections like the Davis-Bacon Act for people working on the highway and transit projects that are contained in this bill.

In my opinion, Mr. Speaker, the safety programs in this bill are well worth it. Every year some 40,000 people die in motor-vehicle-related deaths in this country. And if this bill improves highway safety enough to lower that number by just one, it is well worth it.

Once again, Mr. Speaker, I thank the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their outstanding work on this bill; and I urge my colleagues to support the rule.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I take this time on the rule to simply announce to the House that I intend to oppose the conference report and, if I have the opportunity, I intend to offer a motion to recommit.

I do so for the following reasons: Number one, this bill is a budget buster. It is a veritable pork bonanza. It now contains not the 1,500 special projects which we were told about yesterday. I am told that it now contains about 1,800 special projects. That is 80 percent more projects in 1 year than was provided by the Congress in the previous 42 years of the history of the Highway Act combined.

There are projects in here that have been scrutinized by no one other than the Member who requested them. There are a number of projects that have nothing whatsoever to do with transportation. There is funding for museums, the Corporation for Public Broadcasting, grants to medical schools, direct subsidy payments to private corporations, money paid to trade schools, renovations for historic buildings. A lot of that may be worthy, but it has no business in a highway bill.

□ 1615

I would say that I do not know how many Members know it, but this bill actually authorizes a $120 million project for a highway in a foreign country, $120 million for a highway in Canada, paid for by U.S. taxpayers.

The worst thing about this bill in my view is that it is financed out of the hides of veterans' health care and now, as of early this morning, out of child care for our kids, Meals on Wheels for our seniors, foster care, and adoption services for orphans, because the bill provides for a $2 billion cut in the title XX block grant. So we are again pummeling the most defenseless people in this society in order to provide more concrete.

I am a strong supporter of highway construction, but I do not want to build roads on the backs of kids who need child care and poor seniors who have difficulty getting their wheelchair to the sidewalk and are not going to be getting congregate meals and will not have the luxury of using the public highways. It just seems to me that this is an irresponsible bill, a spectacularly irresponsible bill.

I would close by reading two paragraphs from two letters from veterans' organizations. One from the Disabled American Veterans reads: ''We strongly urge a no vote on the previous question for consideration of any such recommittal motion. Defeat of the previous question will allow the veterans' recommittal motion to be offered and give veterans the straight up or down vote on this proposal to cut compensation, which simple fairness dictates they be given.''

Paralyzed Veterans of America says as follows: ''It has been purported that veterans do now agree to the offsets due to the inclusion of certain other increases in benefits.''

This is patently untrue. Paralyzed Veterans Association, and I am sure other veterans' organizations, have never supported the increase of one benefit at the expense of another. The conferees should reconsider their actions in using veterans' funds as offsets to pay for transportation highway projects that far exceed the levels established in last year's Balanced Budget Amendment.

That is why, Mr. Speaker, if I have the opportunity, I will plan to offer a motion to recommit this conference report and ask the conferees to take out the cut in veterans' funding. If someone attempts to preempt my motion with a sweetheart motion that denies the House an up or down vote on the veterans' issue, I will ask for a rollcall on the previous question. Veterans' groups have indicated in writing that they strongly support the motion that I will offer.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I respect those who have worked hard to develop America's highway infrastructure. I believe that is an important function of the Federal Government.

But for anyone who has come to this Congress on the platform of fiscal responsibility, I would like to suggest there is something very wrong with our voting in just a few minutes to spend $200 billion of our taxpayers' money, when frankly I cannot get a copy of the bill to even look at before we vote on it.

Whether one thinks this could be a great bill or one thinks it is a horrible bill, the fact is that we are about to spend $200 billion and most Members have not even had a chance to look at the bill. It is fiscally irresponsible.

Whether you are Republican or a Democrat or an Independent, the fact is that this does not make sense for us to so cavalierly spend that much money of taxpayers' dollars without being given a fair opportunity to review the details of this bill.

A few minutes ago, I was told by staff that we could get a copy of this bill sometime tomorrow, of course, after we have voted on it. And I guess it would be nice if they vote for this to get a copy tomorrow so they can tell their constituents what is in it.

So my objection to this rule, Mr. Speaker, is not any specific content in the bill. Because, frankly, most of us do not have a chance, I cannot find a copy of the bill, at least on this side of the aisle. Perhaps the majority party has a copy of the bill. But we also have a constitutional responsibility to review legislation before we vote on it even though we are on the minority side of the aisle.

So I object and I hope other Members of this House from both parties who have gone back home year after year after year and said, we have got to spend your taxpayer dollars wisely, we have got to be careful in how we spend it, we ought to show fiscal responsibility, I hope those Members will think twice before spending $200 billion without even looking at a copy of the bill.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. MCINNIS. Mr. Speaker, before I yield to the honorable gentleman from Pennsylvania (Mr. SHUSTER) I should point out that I am overly impressed with the comments of the gentleman from Texas (Mr. EDWARDS) about worrying about the taxpayer.

Also, the gentleman from Wisconsin (Mr. OBEY) impresses me. I am glad that both of these individuals have come forth on behalf of the taxpayer. Because, in 1997, under the National Taxpayers Union, both of them were rated with F's as big spenders. But, apparently, in the last couple hours we had have had a conversion. I am pleased to see it. I am impressed. I am excited about it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I simply rise to announce that the Senate has just passed this conference report by a vote of 88–5 and also to announce that at 2:30 this afternoon, the President of the United States announced that he will be pleased to sign this law.

The President said that first it must keep our budget balanced, it must preserve the budget surplus until we have saved Social Security, and then it must not undermine our national priorities, including education, health care, child care, and the environment.

The bill being considered by the Congress this afternoon meets those principles. I am quoting the President of the United States, and he says: ''I will be pleased to sign this bill into law.''

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

I would like to congratulate the chairman. He has done a heck of a job. He ought to be very pleased with those numbers that have just come out of the United States Senate and the announcement from the White House. Congratulations.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 359, nays 29, not voting 45, as follows:

[Roll No. 190]

YEAS—359

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
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Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
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Lee
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Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
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Northup
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Oberstar
Olver
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Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—29

Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Boehner
Boyd
Chabot
Christensen
Coburn
Doggett
Edwards
Hall (TX)
Hastings (FL)
Hobson
Kennedy (RI)
Largent
Lewis (GA)
Maloney (NY)
Minge
Obey
Sabo
Shadegg
Shaw
Shays
Souder
Thurman
Tierney
Wexler
Yates

NOT VOTING—45

Archer
Bateman
Boucher
Burr
Burton
Conyers
DeFazio
DeGette
Deutsch
Fawell
Foley
Furse
Gephardt
Gonzalez
Graham
Green
Harman
Hefley
Hoekstra
Hyde
Johnson, Sam
King (NY)
Kingston
Lofgren
McCrery
McDade
Meehan
Meeks (NY)
Miller (CA)
Mollohan
Parker
Quinn
Rangel
Reyes
Riggs
Sanford
Skaggs
Smith (OR)
Stenholm
Taylor (NC)
Torres
Towns
Wamp
Waxman
Wicker

☐ 1641

Mr. JACKSON of Illinois changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The results of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3433, TICKET TO WORK AND SELF-SUFFICIENCY ACT OF 1998

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–553) on the resolution (H. Res. 450) providing for consideration of the bill (H.R. 3433) to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to return to work and to extend Medicare coverage for such beneficiaries, and to amend the Internal Revenue Code of 1986 to provide a tax credit for impairment-related work expenses, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 2400, TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Mr. SHUSTER. Mr. Speaker, pursuant to the House Resolution 449, I call up the conference report to accompany the bill (H.R. 2400), to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 449, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

□ 1645

Mr. OBEY. Mr. Speaker, under the assumption that the gentleman from Minnesota (Mr. OBERSTAR) is in favor of the conference report, I rise in opposition to the conference report and pursuant to rule XXXVIII, I request one-third of the time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is the gentleman from Minnesota opposed to the bill?

Mr. OBERSTAR. No, Mr. Speaker.

The SPEAKER pro tempore. Under the rule, the gentleman from Wisconsin (Mr. OBEY) will control one-third of the time, the gentleman from Minnesota (Mr. OBERSTAR) will control one-third of the time, and the gentleman from Pennsylvania (Mr. SHUSTER) will control one-third of the time.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Henry Clay, the great compromiser, once said the good thing about compromise is that for everything you give up, you get something in return. And, indeed, that is where we are today.

We bring back from our conference with the Senate a compromise. Now, if I could waive a magic wand, there are several things in this bill I would do differently. So we do bring a compromise to the floor, but it is a good compromise. It is more than a good compromise, Mr. Speaker. It is an historic piece of legislation. It is an historic piece of legislation because we put the trust back in the transportation trust funds.

This is an historic piece of legislation, Mr. Speaker, because now the American people will know that trust is being put back in the transportation trust fund. The revenue they pay, the gas tax which they pay into the transportation trust fund, will be available to be spent on transportation purposes. Indeed, while I and many others in this Chamber would have preferred to take the trust funds off budget, the compromise we reached is a good one, it is a solid one, it is a guarantee, an ironclad guarantee, that sets aside firewalls on the revenue coming into the transportation trust fund so that that money is available to be spent.

So when the average American drives up to the gas pump and pays his 18.3-cent Federal tax, that money is free to be spent. It is a guarantee, it is an ironclad guarantee. This is an historic matter in and of itself, and that is one of the major reasons why this legislation is so important to America.

What it means, if we do spend the revenue going into the trust fund, and not a penny more, only the revenue going into the trust fund, means that this bill over six years can guarantee $200,500,000,000 spending, because that is the revenue projected to go into the trust fund.

Should there be more revenue going into the trust fund, that money will be available to be spent. Should there be less revenue going into the trust fund, then we will have to reduce the expenditures. It is fair, it is equitable, and it is keeping faith with the American people.

This legislation is going to save, the experts tell me, approximately 4,000 lives a year, not only because of the safety provisions we have in it, but because about 30 percent of our 42,000 highway fatalities each year are caused as a result of bad roads. As we improve the roads, we save lives.

Another very significant feature to this legislation is that the donor States will now get 90.5 percent minimum allocation guaranteed on the formulas. This is better than the guarantee in either the Senate or the House bill.

Also, we have streamlining provisions in here which make it more easy for the States to proceed giving the various groups their opportunity to express themselves, but to get highways and transit systems built more expeditiously so we can gain the increased productivity, convenience and safety that goes with it.

Mr. Speaker, I am very pleased to emphasize that just a few minutes ago the Senate passed this conference report by a vote of 88 to 5, and this afternoon the President of the United States said, ''I will be pleased to sign it into law.''

So we bring to Members now T–21, the Transportation Equity Act for the 21st Century, and urge its passage.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Virginia.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I rise in support of the conference report.

I rise today in strong support of the conference report on H.R. 2400, the TEA–21 Act, which addresses a number of important environmental and safety issues that were committed to the attention of the Committee on Commerce.

As requested by the States, the conference report provides certainty regarding EPA's schedule for implementing the new ozone and PM air standards. The conference report also ensures that EPA will keep its promise to harmonize the schedule of its regional haze program and its promise to pay for PM monitors. To ensure that EPA uses the best science possible, the conference report directs the EPA Administrator to consider recommendations made by the National Academy of Sciences.

These provisions enjoyed wide support from the States and others, and I ask unanimous consent to include in the record three letters of support.

The conference report also includes many of the provisions contained in H.R. 2691, the National Highway Traffic Safety Administration Reauthorization Act of 1998, which passed the House unanimously last month. In addition to reauthorizing NHTSA, it addresses the important issue of air bag safety and improves the protection of drivers, passengers, and children who are involved in motor vehicle crashes. These provisions will ultimately save lives.

The conference report also addresses the issue of NHTSA lobbying. We agreed on a bipartisan basis to prohibit NHTSA from lobbying State and local officials, just as they are prohibited from lobbying Members of Congress.

In closing, I would like to recognize the extraordinary effort that it took to bring this legislation to the floor today. Chairman BILIRAKIS, Chairman, TAUZIN, and Ranking Member DINGELL all worked very hard and on a bipartisan basis. I would also like to thank Chairman SHUSTER and Chairman PETRI, as well as Ranking Members OBERSTAR and RAHALL, for the high level of cooperation we received from the Transportation Committee.

Mr. Speaker, I strongly urge the adoption of the conference report.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the bill that we are pleased to bring to the House today is strong on mobility, strong on safety, strong on economic development. It sustains the economic expansion that our country is experiencing. It gives us thrust to continue the international competitiveness of the nation's economy. It is a balanced bill. It is strong on transportation, including all modes of transportation, transit, alternative transportation. It protects the environment, enhances safety, ensures fair treatment for construction and transit workers, for pedestrians, for bicyclists, for disadvantaged contractors, for people trying to end their dependence on welfare through the welfare to work provisions. Most importantly, it restores trust, the trust of the American people, to the Highway Trust Fund. It, with the guarantee provision we have included in this legislation, assures that we achieve in principle the goal we have sought in practice for so long, to take the trust fund off budget, but within the budget.

This is no small accomplishment. We have been working since 1968, for 30 years, to bring the Highway Trust Fund back to the position where the revenues in are the revenues spent out and invested in the Nation's transportation needs.

For the leadership that brought us to this point, I salute the gentleman from Pennsylvania (Chairman SHUSTER). I like the name of the bill that passed the House, BESTEA, the Bud E. Shuster Transportation for All Eternity Act. And I salute my chairman for the leadership he has given us for the strong role that he played in the conference, and bringing back to this body

an extraordinarily proud piece of legislation.

We have much to be proud of with this legislation. All of the points that I mentioned a moment ago can be expanded upon, but I think we can sum it up best with what the President said just moments ago. ''Let me say, this bill does show that fiscal responsibility and investing in our future go hand-in-hand toward preparing our people and our country for the next century. I want to thank Secretary Slater, Larry Stein, especially the Members of the economic team, for the hard work they did starting from a very difficult position to reduce the spending in this bill. If the Congress does in fact pass the bill as expected, I will be pleased to sign it into law.''

We would have liked a higher spending level. We would have liked many other provisions in this bill as we passed it in the House. But we bring back to you something that every Member of this body can take home to his or her district and stand up and be proud of and tell the American people we have done good as we approach the 21st Century, that that bridge to the 21st Century will not be a chimerical bridge, but it will be a bridge built on steel girders and concrete and asphalt and will take America into the 21st Century.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Speaker, I have a great deal of respect for the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER). He is, without question, I think one of the most effective chairs in this House, and he certainly knows how to run a railroad.

I also have considerable respect for the gentleman from Wisconsin (Mr. PETRI), the subcommittee chair for surface transportation. As far as the gentleman from Minnesota (Mr. OBERSTAR) is concerned, my friend from the wrong side of the bridge in Minnesota, he and I vote against each other about, I think we voted against each other more in the past week on this issue than we have in all of the time we have been here. I have great respect and affection for him. But I stand here today because I believe it is important to recognize that there are certain principles which are being grossly violated by this bill that should not be violated.

Mr. Speaker, the gentleman from Minnesota just said that there is something in this bill that every Member can take back home to their districts. That is certainly, certainly true. There are some 1,800 projects in this bill. To put that into perspective, in the entire history of the highway program, we have only had 1,022 projects for Members. In this bill, in one year, there will be 1,800. That is the most spectacular example of excess that I can recall.

There is even in this bill a $120 million authorization for a highway in Canada. Now, I know a lot of citizens in a lot of States who would prefer that those dollars be spent in their own States. I did not know that Canada had become attached as another State, but evidently, despite that, we are going to spend money there any way.

The main reason to oppose this bill is that it is simply a budget buster. As I understand it, it is $32 billion over the CBO baseline over 6 years, and as a consequence of that, to find ways to pay for that excess, the committee has taken, we are told, about $15 billion out of the hides of veterans' health care perhaps. They have also taken out $2 billion out of the title XX block grant. That is the program which pays for child care, for child protective services, for foster care, for home base services for the elderly, for services for at risk youth, for Meals on Wheels for the home bound. $2 billion coming out of that over three years. And then the bill says that for every year thereafter, there will be a continued reduction in that program.

I do not believe that home bound senior citizens expect us to build highways by running over their needs, and I do not believe that veterans think we should do so either.

I have two letters which I read earlier and I will read again a portion of them. The Paralyzed Veterans Association of America says as follows: ''It has been purported that veterans have now agreed to the offsets due to the inclusion of certain increases in other benefits. This is patently untrue. The conferees should reconsider their actions in using veterans funds as offsets to pay for transportation and highway projects that far exceed the levels established in last year's budget agreement.''

□ 1700

The Disabled American Veterans urge a ''no'' vote on the previous question on this bill because of their objections to the veterans' cuts.

It just seems to me, Mr. Speaker, that while highways certainly deserve to be a top priority, they do not deserve to be the only priority, and we should not be funding concrete in another country. Certainly, we should not be paying for 1,800 special congressional projects by taking it out of the hides of veterans' health care and title 20 block grant, which is needed by our most needy and defenseless citizens.

So that is why I will be offering, if I have the opportunity at the end of the bill, I will be offering a motion to recommit to at least eliminate the cuts for veterans that are used to finance a portion of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. PETRI), the distinguished chairman of the subcommittee.

Mr. PETRI. Mr. Speaker, I salute the Chairman's leadership in this matter.

Mr. Speaker, the true social safety net of this country is not made up of speeches delivered in this hall or even legislation passed in this hall. The true social safety net of this country is the productive capacity of the American people and the American economy. Passage of this legislation will enhance that productivity that will improve, thereby, the social safety net and the well-being of all Americans.

I would join my colleagues in supporting this legislation that is backed by the National Conference of State Legislatures, the National Governors Association, the National League of Cities, the U.S. Conference of Mayors, the U.S. Chamber of Commerce, the AFL-CIO, the American Public Transit Association and the Representatives of America's Motorists, the AAA, the Senate of the United States by an 88-to-5 vote, and the President of the United States, who suggested the offsets that some of my colleagues deplore. But it has his support. It should from my colleagues. It is a good bill.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise in strong support of this measure.

This bill provides the vital funds necessary to rebuild Michigan's crumbling roads, bridges, and interstates, and I congratulate and thank Chairman SHUSTER and Ranking Member OBERSTAR for their work.

This legislation also includes provisions within the sole jurisdiction of the Committee on Commerce. They address important public health and safety matters, and do so in a manner that is fully bipartisan. I want to commend and thank Chairman BLILEY, Mr. TAUZIN, and Mr. BILIRAKIS for their efforts on these issues.

H.R. 2400 contains provisions reauthorizing the activities of the National Highway Traffic Safety Administration. The legislation contains the funding level requested by the Administration, and does two other important things.

One, it establishes a rulemaking for the next generation of motor vehicle occupant protection systems. This is designed to address the tragic problems we've seen with the current generation of airbags.

Second, the legislation corrects some flaws and anomalies in the formula used for calculating the domestic parts content of motor vehicles. This provision will give consumers more accurate information about the origin of their vehicles.

H.R. 2400 contains one other provision of special note. It will give States and communities certainty regarding the implementation of the new national ambient air quality standards for ozone and particulate matter.

These legislative provisions do not change Administration policy, nor do they address fundamental questions regarding these standards and their impact. They simply ensure that the Administration's schedule for these standards is met and that the necessary monitoring data will be gathered expeditiously without imposing any financial burden on the States.

In addition, we included language in the Statement of Managers to ensure that Administrator Browner carefully considers the recent recommendations of the National Research

Council regarding the national fine particle monitoring network which will be developed and deployed over the next two years.

This group of independent scientists urged EPA to ensure that the plans for this monitoring program are thoroughly peer-reviewed at an early date, while such a review can still inform the monitoring-network design and operation. The Statement of Managers endorses this reasonable and prudent step and I fully expect EPA to take the necessary steps to ensure that all aspects of the development of this monitoring network are in fact subject to peer review.

Beside making several minor technical changes, the Conferees made only one significant change to the original Inhofe Amendment as passed by the Senate. And that was to address an issue raised but not resolved by the Senate provision. Section 4102 not only calls for the establishment of a national network of fine particle monitors, it provides that areas will not be designated as nonattainment until States have the opportunity to review three years of data from these monitors. This guarantee was established by the President and adopted by EPA last summer. State submissions of programs to control fine particles are also delayed since they are triggered by the nonattainment designation process.

However, EPA's proposed regional haze program could short-circuit this timing by requiring States to make decisions regarding the control of fine particles before the necessary technical information from the monitoring network is available. Why? Well, as Administrator Browner has testified: ''Like the new ambient air quality standards for fine particulates, the proposed rule for regional haze would similarly require the control of fine particulates.'' So since the two programs control the same pollutant and rest on the same technical information, even EPA has recognized that the two programs must be harmonized. To again quote Administrator Browner, ''it is our intention to manage the two together'' and ''not to have regional haze go first, but to actually combine them.'' These comments have been echoed by the Administrator and other EPA officials in other forums and in the Agency's official writings.

However, there is a statutory glitch in EPA's efforts to harmonize the two programs. A provision in the Clean Air Act's visibility section requires State plans within one year after the visibility regulations are final. To address this statutory deadline, the Conferees added language to guarantee that the State submissions on regional haze will coincide with the State's fine particle submissions. As such, the provision implements EPA's stated policy regarding the timing issue.

(I would add that the provision is not intended to endorse or ratify EPA's proposed regional haze program and the Conferees took no position on the legality or prudence of any portion of the proposed regulations.)

Mr. Speaker, the Inhofe Amendment as modified by the Conferees represents a modest initial step to deal with the many issues raised by EPA's new air quality standards. I must promise with regret that this will not be the last time we will be before the House with legislation on this topic. Until that date, I urge members to support this first step.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking Democrat on the Subcommittee on Surface Transportation, who has spent such an enormous amount of time on this bill, and I congratulate him on his work.

Mr. RAHALL. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of this conference report on this most historic piece of legislation.

For too long, this Nation has allowed its basic surface transportation system to deteriorate. For too long, we have witnessed unsafe road conditions contributing to the fatality and injury rate of the American public. And for too long, we have experienced our competitive posture in world commerce be adversely affected by an increasingly inefficient surface transportation network.

Today, we are making an historic move that this shall be no more.

This conference agreement to authorize Federal highway, highway safety, motor carrier and transit programs is the largest and most comprehensive surface transportation bills to be considered in the history of our Nation, and I am very proud of this legislation.

I am proud of our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and our ranking member, the gentleman from Minnesota (Mr. OBERSTAR). I am proud of our subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI). I am very proud of the staff that has worked virtually around the clock for the last 2 or 3 weeks to get this historic legislation to the floor of the House, and they deserve the highest words of praise as well.

Indeed, in dollar terms, this legislation will provide over $200 billion during the course of a 6-year period for highway and transit facilities.

However, there is much more than just dollars in this legislation. It transcends considerations of the concrete, the asphalt, the steel and stone. Indeed, what we are doing in this legislation is improving our standard of living for our children in generations to come. It entails a type of legacy that we wish to leave future generations of Americans. It is an investment in America's infrastructure finally and foremost, rather than throwing money overseas.

So I approve of this legislation wholeheartedly.

We address safety. We address the environment. We address flexibility. We truly have an intermodal piece of legislation here, and I commend it to my colleagues for passage.

Safety. We are all concerned about the safety of our children and our families. This bill contains an impressive array of weapons to combat unsafe road conditions, and importantly, unsafe drivers. Road rage is on the rise in the country. Tempers flare as drivers are gridlocked in traffic snarls.

This bill will bring to bear an better financed Congestion Mitigation and Air Quality program that contains the keys to unlock that gridlock and sooth those flaring tempers.

With this bill, we are also escalating the war against drunk driving, including through a $500 million arsenal of incentives to the States to lower blood alcohol content standards.

The environment. Transportation is about much more than roads, bridges and highways. It is also about alternative means of moving people from place to place. The Transportation Enhancements Programs will experience a significant increase in funding for an expanded list of eligible projects that will serve to make the transportation experience more enjoyable for many Americans.

Innovation. Americans are innovative by nature, and this bill rewards that attitude in terms of both technology and financing.

Under it, intelligent transportation systems, maglev and other new transportation initiatives will be further advanced, and indeed, taken past the demonstration stage and placed into every day use.

Further, this legislation further promotes innovative financing approaches to transportation problems through a wide range of tools.

And finally, a promise. A promise that will now be fulfilled to the people of the Appalachian Region more than 30 years ago.

For the first time, the Appalachian Highway System will be fully incorporated into the Nation's highway program and financed by trust fund revenues.

This will provide a secure and dedicated source of funding for the unfinished segments of the Appalachian Development Highway System, opening impoverished areas greater accessibility and subsequent economic development.

In this regard, the inclusion of this program in this legislation is due to the efforts of West Virginia's senior Senator, ROBERT C. BYRD. And it will stand as his lasting legacy.

In conclusion, to the American motorist, know this. The taxes we pay every time we gas-up our vehicles will no longer be used for non-transportation purposes.

This bill contains an iron-clad, rock-ribbed, copper-riveted guarantee that fuel tax revenues will be spent on highway and transit improvements. We have built a fire wall around these revenues from which there will be no diversion.

My colleagues, I would be remiss if I did not express our appreciation of the chairman of the Committee on Transportation and Infrastructure, BUD SHUSTER, and for our ranking Member, JIM OBERSTAR, for their tireless efforts on behalf of securing fairness, equity and justice in the federal highway and transit programs as exemplified by this conference agreement.

These two gentlemen, along with Subcommittee Chairman TOM PETRI and myself, worked to uphold the principles espoused in the House bill during our meetings with the other body.

I must also commend the Secretary of Transportation. During the course of our deliberations over this legislation, Rodney Slater did not sit idly in his office. He rolled up his sleeves and got down to work with us to seek resolution of many, many difficult issues and decisions that were addressed.

I urge approval by the House of this conference report.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time.

At this time, I yield to my colleague, the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Veterans' Affairs.

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Mr. Speaker, I rise in opposition to the conference report.

When this measure was before the House last month, it included a provision which stated that savings from veterans' programs should not be used to offset any costs associated with the bill.

The House also passed a second provision which I supported, instructing House negotiators not to use funds from changes in veterans' programs to pay for these projects.

The conference report ignores those provisions for the most part.

Mr. Speaker, over the past dozen years, the VA Committee has reported legislation changing veterans' programs and saving the American taxpayer over $12 billion.

In addition, Congress has reversed veterans' spending created by courts in the Davenport and Gardner cases, leading to an additional billion dollars or more in savings.

When the Administration suggested that we repeal the windfall created by the VA General Counsel decision that requires the VA to compensate veterans with tobacco-related illnesses, the Administration projected that the repeal would save $17 billion over five years.

The Administration also suggested that we spend only $1.5 billion of that savings to enhance neglected programs serving veterans.

Unfortunately, the conferees have handed the Administration a victory by using all but $1.6 billion of the $17 billion in savings for purposes other than veterans' programs.

It's not right that less than 10 percent of those savings is being put back into the budget for veterans.

While this $1.6 billion will be used to improve some of our highest priority veterans' programs, we should do better.

It's not right Mr. Speaker—vote against the conference report that takes too much from veterans' programs.

Mr. Speaker, for the information of my colleagues, I am including the following information on the issue of VA disability compensation for tobacco-related disabilities.

I also include an explanation of the proposed increase in benefits for veterans going to school under the Montgomery GI Bill and other benefit enhancements.

BACKGROUND AND DISCUSSION

LEGISLATIVE HISTORY OF PROVISION REPEALING VA TOBACCO COMPENSATION AUTHORITY

In January 1993, the General Counsel of the Department of Veterans Affairs, Mr. James A. Endicott, Jr., signed a memorandum addressed to the Chairman of the Board of Veterans' Appeals (BVA) which had as its subject ''Entitlement to Benefits Based upon Tobacco Use While in Service.'' This memorandum was Office of General Counsel Precedent Opinion 2–93. Under applicable Department regulation (38 C.F.R. 14.507(b)), a ''precedent opinion'' is one that ''necessitates regulatory change, interprets a statute or regulation as a matter of first impression, clarifies or modifies a prior opinion, or is otherwise of significance beyond the matter at issue.'' A precedent opinion is:

''Binding on Department officials and employees in subsequent matters involving a legal issue decided in the precedent opinion, unless there has been a material change in a controlling statute or regulation or the opinion has been overruled or modified by a subsequent precedent opinion or judicial decision.''

The precedent opinion arose in the context of an appeal to the Board of Veterans' Appeals by the surviving spouse of a veteran who died of adenocarcinoma of the lung and who had smoked a pack and a half of cigarettes per day for over forty years. In the opinion, the General Counsel held that the BVA could determine whether nicotine dependence may be considered a disease or injury for disability compensation purposes. It also held that ''direct service connection of disability or death may be established if the evidence establishes that injury or disease resulted from tobacco use in line of duty in the active military, naval, or air service'' and that ''tobacco use does not constitute drug abuse within the meaning of statutes'' prohibiting VA from considering drug or alcohol abuse as occurring in line of duty.

A subsequent decision by the BVA determined that the veteran's tobacco use while in service was an ''event or exposure'' that resulted some years after service in disease that produced disability and death. Accordingly, the claim of the surviving spouse was allowed.

The Compensation and Pension Service of the Veterans Benefits Administration (VBA) advised VBA field adjudicative units in a March 4, 1993 conference call to defer action on claims involving the use of tobacco products during active service. This moratorium on action lasted for four years until a January 28, 1997 directive was issued giving field adjudicative units instructions on how to process tobacco-related claims. In May of 1997, VA General Counsel Mary Lou Keener issued another precedent opinion addressing the circumstances in which VA could determine that tobacco-related disability or death that was secondary to in-service tobacco use was service connected for VA benefit purposes. That opinion held that if: 1) nicotine dependence could be considered a disease for purposes of laws governing veterans' benefits; 2) the veteran acquired a dependence on nicotine in service; and 3) that dependence was the proximate cause of disability or death, then service connection could be established on a secondary basis.

In May of 1997, Secretary of Veterans Affairs Jesse Brown transmitted a legislative proposal on behalf of the Administration to terminate the VA's authority to compensate or otherwise award benefits to a veteran for diseases or deaths attributable in whole or in part to the use of tobacco products by a veteran during military service. According to Secretary Brown's letter:

''This amendment is consistent with the 1990 budget reconciliation act, in which Congress prohibited compensation for disabilities which are the result of veterans' abuse of alcohol and drugs. This was fiscally responsible action which enhanced the integrity of our compensation programs, and our proposal regarding tobacco use is offered in that same spirit. In addition, claims based upon tobacco-related disorders present medical and legal issues which could impede ongoing efforts to speed claim processing by placing significant additional demands on the adjudicative system. This provision would not preclude establishment of service connection for disability or death from a disease or injury which became manifest or was aggravated during active service or became manifest to the requisite degree of disability during any applicable presumptive period specified in section 1112 or 1116 of title 38, United States Code. This amendment would apply to claims filed after the date of its enactment.''

The House Committee on Veterans' Affairs Subcommittee on Benefits held a hearing on May 14, 1997 on the VA's proposal. Testimony was received from veterans organizations and the Department. The Subcommittee made no recommendation on the proposed legislation.

In a letter dated September 19, 1997, (copy attached) VA Secretary-Designate Hershel W. Gober urged the Congress to take action on the VA's legislative proposal regarding tobacco-related benefits. In this same letter, Secretary-Designate Gober highlighted a new cost estimate of the impact of processing and paying tobacco-related claims. According to the Secretary-Designate, if VA could process all claims immediately, the cost of compensating veterans would be $4.4 billion in fiscal year 1998 and $23.8 billion over five years. It was estimated that VA could receive 540,000 tobacco-related claims, and that this would increase the VA's backlog of pending claims to over 1.5 million in fiscal year 1998, and that average processing time would increase from 113 days to 312 days.

A letter dated March 17, 1998 (copy attached) from VA Acting Secretary Togo West reaffirmed the Administration's position on compensation benefits for tobacco-related disabilities. It also noted that according to the President's budget submission ''enactment of VA's proposal would result in FY '99 savings of $741 million and five-year savings of $16.9 billion.''

In response to a question about the intent of the Administration's proposal, Acting General Counsel Robert E. Coy clarified the intent of the legislative language with regard to veterans with diseases that could be attributable to tobacco use or some other cause. Mr. Coy stated in his March 19, 1998 letter (copy attached) that:

''The Administration's proposal would in no way affect veterans' ability to establish service connection on the basis of any legal presumptions authorizing VA benefits. The Administration has proposed only that disabilities or deaths may not be considered service connected ''on the basis that'' the underlying diseases are ''attributable in whole or in part to the use of tobacco products by the veterans during service.'' The effect of enactment of this proposal would be that if the *only* manner in which a disability or death could be considered service connected is ''on the basis that'' it is due to either the veteran's tobacco use or nicotine dependence in service, that avenue for establishing service connection would be foreclosed.''

On March 30, 1998, Acting Secretary West transmitted a revised draft of its proposed legislation to the Congress (copy attached). Acting Secretary (now Secretary) West noted that:

''Like the consumption of alcohol, the use of tobacco products is not a requirement of military service. Most veterans, like most Americans, do not use tobacco products. It is inappropriate to compensate those veterans who do use tobacco, and their survivors, under a program developed for veterans who became disabled in service to our nation.

''In the debate which has ensued since our proposal of last May, we have heard no persuasive argument for why it should fall upon the government to compensate veterans for, or treat on a service-connected basis, disabilities first arising postservice whose only connections (sic) to service are the veterans' own tobacco use. *We do not believe the American people consider these to be the government's responsibility*. (emphasis added).''

In the VA Committee's report to the Committee on the Budget on the budget proposed for veterans' programs for fiscal year 1999, the Committee expressed the following view on the Administration's proposal:

''The Committee concurs with former Secretary Brown's concerns about the integrity of the compensation system. The Committee also believes that paying compensation to veterans for tobacco-related illnesses goes beyond the government's responsibility. There is a significant philosophical difference between service-connected compensation and other disability programs such as Social Security or the VA pension program which make no distinctions based on when a disability or illness occurs or is first diagnosed. Service-connected compensation, on the other hand, is based on the presumption that a person would not have the illness or disability save for some event or circumstance beyond the person's control. A policy of paying compensation for tobacco-related illnesses absolves the veteran of personal responsibility for his or her choices about tobacco use. In the past, Congress has determined that the individual, not the federal government, is responsible for illnesses which are related to the use of alcohol or drugs. Thus, a policy of paying benefits for illnesses related to the use of tobacco would be inconsistent with these prior determinations.

''The Committee is also very concerned that the projected annual caseload of 540,000 tobacco-related claims would overload the adjudication system and lengthen the already-too-long processing time for all types of claims. VA estimated in 1997 that processing time for an original compensation claim would increase from 113 days to 312 days.

''To reflect the nation's commitment to its veterans, the Committee will recommend legislation that will use all of the savings from enacting a limitation on compensation for tobacco-related illnesses to improve a wide range of programs. These are programs affecting our most disabled veterans, surviving dependents, separating service members, unemployed and under-employed veterans, and those seeking an education or a home.''

Section 8203. Twenty percent increase in rates of basic educational assistance under Montgomery GI Bill. This provision would increase the current Montgomery GI Bill basic rate from $440 per month to $528 per month (chapter 30) beginning October 1, 1998, and the basic rate for the Selected Reserve Educational Assistance (chapter 1606). This is a 20 percent increase and follows the Administration's proposal.

Section 8204. Increase in assistance amount for specially adapted housing. This section increases the adaptive housing grants for severely disabled veterans from $38,000 to $43,000. The VA offers a one-time Specially Adapted Housing grant to certain severely disabled veterans so that they may purchase a home specially adapted to their needs or make modifications to current residences. The last increase was 10 years ago.

Section 8205. Increase in amount of assistance for automobile and adaptive equipment for certain disabled veterans. This increases the auto allowance for severely disabled veterans from $5,500 to $8,000 to account for the rising cost of automobiles. The VA provides a one-time payment toward the purchase of an automobile or other conveyance to certain veterans with a service-connected loss of one or both hands or feet or permanent loss of use, or permanent impairment of vision in both eyes. This would be the first increase since 1988.

Section 8206. Increase in aid and attendance rates for veterans eligible for pension. This section increases the monthly pension benefit by $50 for severely disabled veterans in need of the full time aid and attendance of another person. This increase is intended to assist the increasing number of low-income veterans who will need alternatives to nursing home care over the next 15 years.

Section 8207. Eligibility of certain remarried surviving spouses for reinstatement of Dependency and Indemnity Compensation upon termination of that remarriage. This provision will allow all surviving spouses of veterans who die from a service-connected disability to resume their Dependency and Indemnity Compensation if their subsequent remarriage ends. This repeals an OBRA 1990 provision.

Section 8208. Extension of prior revision to offset rule for Department of Defense Special Separation Benefit program. The 1997 DOD Authorization Act prohibited VA compensation offsets on the gross amount of special separation bonuses (SSB) for those separating after September 30, 1996. This section would make that provision in the 1997 DOD Authorization Act retroactive to 1991. If a bonus recipient subsequently qualifies for VA disability compensation, current law requires VA to offset the entire amount of SSB, including amounts withheld as income tax.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, September 19, 1997.

Hon. BOB STUMP,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: It is because of my deep concern about the impact that tobacco-related compensation could have on the integrity of the entire compensation system, coupled with the fiscal impact, that I am writing you to encourage your action on the VA legislative proposal regarding tobacco-related service connection. I am also concerned that this sizable influx of claims into our system will so significantly increase our backlog that veterans with non-tobacco related conditions will experience intolerable delays in the processing of their claims. These concerns are made eminently clear in our official estimate of the potential impact of compensating veterans for tobacco-related conditions which is transmitted with this letter.

This is an extremely complex estimate—one which has been taken us considerable time to develop. Contributing to its complexity is the number of assumptions that had to be made about veterans' health and mortality, veterans' smoking behavior, and most significantly, the rate at which veterans' tobacco-related compensation claims may be anticipated. I believe that the assistance provided us by Jeffrey Harris, MD, Ph.D., a nationally, known expert in the area of costs associated with tobacco-related diseases, was critical to informing our decisions. Dr. Harris' report is included as part of this package.

Although some of the many assumptions in our calculations could produce differing results, any reasonable calculation would know just how big an issue tobacco-related compensation is for VA, and for the Nation.

I want to highlight some significant points about the estimated cost and workload impact of tobacco-related compensation. If we could process all claims immediately, we believe that compensating veterans and survivors could cost an estimated $4.4 billion in Fiscal Year 1998 and $23.8 billion over the next five years. These estimates do not include the cost of benefits to survivors of already deceased veterans.

Realistically, we estimate that while we may receive over 540,000 tobacco-related claims, we will not be able to process them upon receipt. The backlog of all VA disability claims will increase from current 465,000 to over 1.5 million in Fiscal Year 1998, and increase steadily to over 2 million in Fiscal Year 2000. At the same time, the processing time of original claims will deteriorate from the current 113 days to 312 days.

Because of the backlog, the actual tobacco benefits paid will likely be $40 million in the first year and $1.9 billion over the next five years unless there is a significant reallocation of resources that would permit dramatic changes in the Veterans Benefits Administration's information technology and infrastructure, and allow for massive hiring and training of new VA employees.

I appreciate your patience in waiting for this estimate. We are also examining the impact of tobacco-related compensation on the VA health care system. Clearly, the service connection of substantial numbers of veterans for tobacco-related conditions that in most cases have intense and costly medical treatment associated with them has the potential for large numbers of newly eligible, high priority veterans to seek health care from VA.

I hope you will agree with me that the enormity of the impact on the claims backlog and on timeless of processing as well the fiscal impact, punctuate the critical need for prompt enactment of that legislation. I will be happy to personally discuss this with you, and VA staff are available to provide further explanation to Committee staff as desired.

I think that these estimates clearly explain why we should all be concerned about the implications of tobacco-related compensation. I look forward to the Committee's prompt action on the proposed legislation to remedy this situation.

Please let me know if we can provide additional information.

Sincerely,

HERSHEL W. GOBER,
Secretary-Designate.

DEPARTMENT OF VETERANS AFFAIRS,
Washington, DC, March 17, 1998.

Hon. BOB STUMP,
Chairman, Committee on Veterans' Affairs,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you and your colleagues on the House Veterans' Affairs Committee make final preparations to submit your Fiscal Year 1999 budgetary views and estimates to the House Budget Committee, I am taking this opportunity to highlight and reaffirm the Administration's position on compensation benefits for tobacco-related disabilities.

VA has proposed legislation to preclude service-connected benefit eligibility based upon diseases which first arise after service (and after any post-service presumptive period) if their only connection to service is the veterans' own use of tobacco products. VA's proposal would not preclude service connection for tobacco-related diseases actually manifesting themselves in service or within presumptive periods in law, and would apply only to claims filed after the date of enactment.

The Department's position is based upon several considerations. First, the responsibility to compensate veterans for diseases whose connection to service is the veterans' own tobacco use—in some cases only briefly—while in service, should not rest with the Government. Second, we believe that providing benefits in these cases exceeds the American public's sense of the Government's obligations to veterans, and so threatens to undermine support for VA programs. Third, if projections regarding the magnitude of future tobacco-related claims—perhaps as many as 540,000 in a year—prove anywhere near correct, without our legislation VA's claims system could be so overwhelmed as to seriously impair its ability to process claims of any kind in a timely manner.

As reflected in the President's FY '99 budget submission, enactment of VA's proposal would result in FY '99 savings of $741 million

and five-year savings of $16.9 billion. We appreciate your consideration of our views on this critical issue.

Sincerely,

TOGO D. WEST, Jr., *Acting Secretary.*

DEPARTMENT OF VETERANS AFFAIRS, OFFICE OF THE GENERAL COUNSEL

Washington DC, March 1, 1998.

CARL COMMENATOR, ESQ.,
Chief Counsel and Staff Director, Committee on Veterans' Affairs, Washington, DC.

DEAR MR. COMMENATOR. You have requested that we provide, as a technical service, an explanation as to how the Administration's proposal to restrict service connection for certain tobacco-related disabilities and deaths would, if enacted, affect claimants' ability to establish service connection under certain presumptions in law and regulation. Specifically, you referenced a number of conditions presumed to be service connected if suffered by certain veterans exposed to ionizing radiation or herbicides I service.

The short answer is that the Administration's proposal would in no way affect veterans' ability to establish service connection on the basis on any legal presumptions authorizing VA benefits. The Administration has proposed only that disabilities or deaths may not be considered service connected ''on the basis that'' the underlying diseases are ''attributable in whole or in part to the use of tobacco products by the veteran during service''. The effect of enactment of this proposal would be that if the only manner in which a disability or death could be considered service connected is ''on the basis that'' it is due to either the veteran's tobacco use or nicotine dependence in service, that avenue for establishing service connection would be foreclosed.

The new §1103(b) of title 38, United States Code, as proposed in the Administration's bill, would specifically provide that this change in law would in no way preclude establishing service connection on the basis of the presumptions authorized under §§1112 and 1116 of title 38:

Nothing in subsection (a) shall be construed as precluding the establishment of service connection for disability or death from a disease or injury which . . . . became manifest to the requisite degree of disability during any applicable presumptive period specified in section 1112 or 1116 of this title.

In other words, if a disability or death could be presumed service connected on the basis of the various provisions of sections 1112 and 1116, which of course include presumptions for certain radiation-exposed and herbicide-exposed veterans, the proposed limitation on establishing service connection ''on the basis of'' tobacco use in service would have no preclusive effect at all.

For example, as authorized by §1112(c), specified cancers may be presumed service connected if suffered by certain radiation-exposed veterans. If a veteran could qualify for service connection under such a presumption, as the Administration's tobacco legislation plainly states, that service connection and resulting benefit eligibility would be unaffected by enactment of the legislation. The same is true for all other presumptions in law, including the herbicide presumptions for respiratory cancers and other illnesses authorized by §1116 of title 38.

The result of enactment of our legislation would be to simply restore the manner and method by which VA adjudicated claims prior to issuance of the two General Counsel opinion on tobacco use and service connection.

I hope the foregoing is fully responsive to your request.

Sincerely yours,

ROBERT E. COY, *Acting General Counsel.*

DEPARTMENT OF VETERANS AFFAIRS,

Washington, DC, March 30, 1998.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a draft bill, the ''Veterans Tobacco Amendments of 1998'', which I ask be referred to the appropriate committee for prompt consideration and enactment. It would relieve the Government of an unjustified liability for certain postservice health effects of veterans' tobacco use in service.

On May 9, 1997, VA submitted to Congress a draft bill whose provisions included a proposal bar to establishing service connection for disabilities or deaths if their only relationship to service were the veterans' inservice nicotine dependence or use of tobacco products. The enclosed draft is substantively identical to section 105 of the bill VA offered last year, introduced in the Senate as S. 987.

Our Nation has an enduring obligation to those who, because of serving in defense of our freedoms, become disabled or die. We at VA are privileged to be the ones who deliver on that obligation. However, Congress has recognized the appropriateness of boundaries to the compensation program. This bill is consistent with the 1990 budget reconciliation act, in which Congress prohibited payment of disability benefits for illnesses based solely on use of alcohol or drugs during military service. Like the consumption of alcohol, the use of tobacco products is not a requirement of military service. Most veterans, like most Americans, do not use tobacco products. It is inappropriate to compensate those veterans who do use tobacco, and their survivors, under a program developed for veterans who became disabled in service to our nation.

In the debate which has ensued since our proposal of last May, we have heard no persuasive argument for why it should fall upon the government to compensate veterans for, or treat on a service-connected basis, disabilities first arising postservice whose only connections to service are the veterans' own tobacco use. We do not believe the American people consider these to be the government's responsibility. However, our proposal would not preclude service connection for tobacco-related disabilities or deaths from diseases which actually manifest themselves during service or within any applicable presumptive period, and to this extent our bill is less preclusive than the alcohol- and drug-abuse proscription. Our proposal also is limited in its reach to claims filed with VA after its enactment. Thus, veterans and survivors currently receiving these benefits and veterans and survivors filing claims prior to enactment would not be affected by the change.

We are privileged to serve as stewards for veterans programs, which deservedly enjoy broad public support. With that stewardship, however, comes a responsibility to recommend appropriate changes when we sense they may become imperiled by something which could undermine public support for them. The estimated influx of tobacco-related claims—perhaps as many as 540,000 in the next year—threatens to overwhelm our adjudication system and result in unconscionable delays for all VA claimants. Because of the enormous implications it could have in terms of both costs and impact on claims processing, the current requirement that VA consider these smoking-related disabilities and deaths to be service connected carries the potential for just such programmatic harm.

This legislation would affect direct spending; therefore, it is subject to the pay-as-you-go (paygo) requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. As reflected in the President's Budget for FY 1999, enactment of this proposal would result in paygo savings of $741 million during FY 1999 and $16.9 billion over the period FYs 1999–2003.

The Office of Management and Budget advises that there is no objection to the submission of this draft bill to the Congress, and that its enactment would be in accord with the Administration's program.

Sincerely yours,

TOGO D. WEST, JR., *Acting Secretary.*

A Bill to amend title 38, United States Code, to provide that service connection for certain disabilities or deaths may not be established solely on the basis of inservice tobacco use or nicotine dependence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the ''Veterans Tobacco Amendments of 1998''.

SECTION 2. PROHIBITION AGAINST VETERANS BENEFIT ELIGIBILITY BASED SOLELY UPON TOBACCO USE IN SERVICE.

(a) SERVICE CONNECTION.—Subchapter 1 of chapter 11 of title 38, United States Code, is amended by adding at the end the following new section:

''§1103. Special provisions relating to claims based upon effects of tobacco products.

''(a) Notwithstanding any other provision of law, a veteran's disability or death shall not be considered to have resulted from personal injury suffered or disease contracted in line of duty in the active military, naval or air service for purposes of this title on the basis that it resulted from injury or disease attributable in whole or in part to the use of tobacco products by the veteran during the veteran's service.

''(b) Nothing in subsection (a) shall be construed as precluding the establishment of service connection for disability or death from a disease or injury which is otherwise shown to have been incurred or aggravated in active military, naval or air service or which became manifest to the requisite degree of disability during any applicable presumption period specified in section 1112 or 1116 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 11 of title 38, United State Code, is amended by adding the following new item after the item relating to section 1102:

''1103. Special provisions relating to claims based upon effects of tobacco products.''.

SECTION 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to claims received by the Secretary after the date of enactment of this Act.

Mr. SHUSTER. Mr.Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I believe that the Chairman of the Veterans' Affairs Committee has indicated that he is not supporting this piece of legislation. I heard my colleague say that this is a social safety net. Well, what we need to know that just got paved over are low-income, disabled veterans who had a funding in this bill. It was only $500 million, but it was a chance to create a permanent program for low-income, disabled veterans to get what we said they deserve.

Mr. Speaker, the reason I wanted to enter into a colloquy is that if they are not allowed to use the tobacco money, is it not true that there are a number of excess acres and VA sites around the country, my understanding is, on Wilshire Boulevard in Beverly Hills? How ironic that this land is not being used for the veterans, but they want to preserve it for a greenbelt, and yet we are taking veterans' money to pave over areas for highways.

Would the Chairman look at the excess acreage in veterans' holdings to try to provide money for long-term care for veterans?

Mr. STUMP. Mr. Speaker, if the gentleman will yield, first, the gentleman is absolutely correct. We do have that property, and I make a proposition that we will look into it. We are being shortchanged in this bill. We are getting back less than 10 percent of this for veterans' savings, and that is simply not fair to the veterans of this country.

Mr. THOMAS. Mr. Speaker, reclaiming my time, frankly, as a Member of this side of the aisle, to say that the President said we should take this money away from veterans certainly is no reason to do so as far as I am concerned.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. NUSSLE), representing the conferees on behalf of the Committee on Ways and Means.

Mr. NUSSLE. Mr. Speaker, I want to thank the chairman for yielding me this time and for his leadership on this bill.

As the lead House conferee on the revenue title of H.R. 2400, I want to begin by thanking the Speaker for the honor of leading the House of Representatives as the conferee on the House tax title. In particular, I would also like to thank the chairman of the Committee on Ways and Means for his assistance and leadership and guidance during this conference, as well as staff members Jim Clark, Norah Mosely and Ben Hartley of the Joint Committee on Taxation and Rich Meade on my staff.

The provisions of this title I think are important, first of all, because it continues the Highway Trust Fund, the mass transit account, for an additional 6 years through the fiscal year 2005. As many of my colleagues know as well, I, along with the gentleman from Missouri (Mr. HULSHOF) and many others, worked to include in the conference report a continuation of the Federal Government's commitment to a clean-burning, renewable fuel, such as ethanol, until the year 2007.

This conference report also simplifies the matter in which gasoline and diesel fuel tax refunds are administered. This is welcome news to registered fuel terminals and those who seek a simplified refund procedure for motor fuel excise taxes.

Railroads currently face an onerous fuels tax which was imposed in the name of deficit reduction a number of years ago. This conference report begins to roll back those taxes by 1.25 cents per gallon starting in November of 1998.

More than half of the taxes sport fishermen and other users of motor boat fuels pay are not used for aquatic resources, but instead was dedicated for ''budget deficit reduction.'' This conference report takes a big step towards dedicating those revenues for aquatic resources restoration and development.

Mr. Speaker, the gentleman from South Dakota (Mr. THUNE) worked very hard to include a provision in the conference report to allow Amtrak more flexibility to use their funds in States where Amtrak does not operate. This provision will allow States such as South Dakota to enhance their rail service in their States.

Finally, Mr. Speaker, the conference report expands the tax-favored treatment to employer-provided transit passes and van pooling. More specifically, the conference agreement would allow employers to offer their workers the option of electing cash compensation in lieu of any qualified transportation benefit. In addition, the inclusion for transit passes and van pooling benefits is increased by $100 per month beginning in 2002.

I want to again thank the chairman of the Committee on Transportation and Infrastructure for his leadership. I want to thank my fellow conferees.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute.

I yield to the gentlewoman from California (Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, I thank the ranking member.

It is my understanding that the Department of Transportation has entered in Full Funding Grant Agreements with 15 transit agencies nationwide. FFGAs are commitments by the Federal Government to provide funding for a project according to a schedule established by the agreement.

In my region, the San Francisco Bay Area Rapid Transit District worked for more than 10 years to put together the financing package necessary to gain a full funding grant agreement. Our region has committed significant State and local resources for the BART-to-San-Francisco Airport and Santa Clara County Tasman projects, both of which have FFGAs.

Is it correct that the intent of this conference report is to meet the full funding grant agreements that have been signed by the DOT?

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, as explained in the report accompanying H.R. 2400, the Committee on Transportation and Infrastructure ''emphasizes the importance of fulfilling the Federal commitment to projects under full funding grant agreements at page 201 of report 105–467.''

Ms. STABENOW. Mr. Speaker, I thank the gentleman.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. DAVIS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Virginia.

Mr. DAVIS of Virginia. Mr. Speaker, as we know, language was included in the House bill, H.R. 2400, which would have directed the Commonwealth of Virginia Transportation Board to resolve funding issues relating to rights-of-way acquisition and engineering overruns associated with segments of the Fairfax County Parkway.

Mr. Speaker, is it the intent of the legislation that this provision be applicable?

Mr. SHUSTER. Mr. Speaker, reclaiming my time, I concur with the gentleman's comments. I am aware of the situation. I would hope that this problem would be rectified before any other legislative action is necessary.

Mr. DAVIS of Florida. Mr. Speaker, I thank the gentleman, and I thank him for his leadership on this matter.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. LIPINSKI), a distinguished member of our committee.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding to me, and I would like to enter into a colloquy with both the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER).

This pertains to Wacker Drive, which is a two-level road structure that runs through central downtown Chicago. It is a major arterial road for business operating in downtown Chicago. Without Federal funding, lower Wacker Drive will have to be closed in 3 or 4 years.

I would also like to talk about the Stevenson Expressway. It is an interstate that runs through the 3rd Congressional District in Illinois. It is in dire need of reconstruction. Without adequate Federal funding, the reconstruction effort will take 4 years. With adequate Federal funding, it will only take 2 years, saving 2 years of congestion and traffic headaches.

The State of Illinois and the City of Chicago would like to begin construction of these projects using its own funds, applying $175 million to the Stevenson Expressway and $400 million to the Wacker Drive project.

It is my understanding that, under section 115 of title 23, the United States Secretary of Transportation has the authority to allow a State or city to begin a project with non-Federal funds and then be reimbursed by the Highway Trust Fund discretionary funds.

Would the ranking member of the committee and the chairman support application of the State of Illinois and the City of Chicago to proceed in this manner?

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, not only would I support the application and urge the

Secretary to approve this proposal to fund these two worthwhile projects, I have already discussed this matter with the Secretary. We have his attention, and we will work very closely and vigorously with the gentleman.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of our committee.

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Mr. SHUSTER. Mr. Speaker, I would emphasize that under the formula in this legislation Illinois gets $203 million a year more than it was getting under ISTEA, and there are very substantial additional State funds also available.

Mr. LIPINSKI. Mr. Speaker, I thank the chairman of the full committee, and I also want to thank the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. WISE), a member of the committee and one of our conferees.

Mr. WISE. Mr. Speaker, there has been a lot said about veterans. The veterans are definitely on all of our minds today.

Let me just say that the membership should be aware that working with the gentleman from Ohio (Mr. NEY), working with others, we were able to include in this bill a sense of Congress resolution that the Attorney General should have commenced a civil action to seek to recover from the tobacco companies those amounts corresponding to the costs which would be incurred by the Department of Veterans Affairs for the treatment of tobacco-related illnesses of veterans if such payments were authorized by law, and also that the Congress could authorize those payments then to be given to those veterans who have been affected.

This is only a first step, but it is an important step, because it puts the Congress on record requesting the Department of Veterans Affairs and the Attorney General to enter into this litigation on behalf of our veterans and our taxpayers.

Upon the return of Congress after Memorial Day, a number of us will be introducing a free-standing bill to accomplish this as well, as well as working with many of the others of the Members to make sure that we are able to secure some level of benefits for those veterans that have had tobacco-related illnesses from their military service.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would congratulate the chairman and the ranking member of both the full committee and the subcommittees for a job well done. This bill is definitely not just an expenditure, it is an investment in the future of this country. I view it as that.

I do, however, take exception with one small portion of the bill that I am greatly concerned about. That is cutting into title XX, which is clearly under the jurisdiction of the Committee on Ways and Means. There are $3 billion that are taken out of that program.

Also, the flexibility has been reduced in order to get a budgetary advantage. That is going to require some damage control, and I would tell my colleagues, where the Governors and State legislatures all over this country are going to be very delighted and very happy with what we are going to pass today, but they are going to be coming back and to be very upset with title XX, which is a very important program to all the people across this country.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER), a member of the committee.

Mr. NADLER. Mr. Speaker, this bill, which has many good features, unfortunately is going through this House in great haste. Very few people have had the opportunity to read it, since I do not even know how many copies are in print.

One of the problems with that, one of the problems with the fact that the bill was not printed until an hour or two ago is that people can slip things into this bill with other people not knowing about them.

There is in my district a project, a huge boondoggle which wants to waste a few hundred million dollars. We have had language in every appropriations bill in this House for the last 5 years saying no funds herein appropriated should be spent on this boondoggle. The Porkbusters Coalition, headed by the gentleman from Wisconsin (Mr. NEUMANN) and the gentleman from Minnesota (Mr. MINGE) have said this is the worst project. NBC TV featured it on Fleecing of America, but it is a project Donald Trump wants because it will put money in his pocket. It puts more money in his pocket. It will spend $300 million to move a highway we just finished rehabbing for $90 million, solely for the purpose of getting it out of the way of sightlines of Mr. Trump's new buildings.

We oppose this. Suddenly there is money in this bill for this project. It appeared in it last night. We just found out about it. It was put there by a Congresswoman whose district comes nowhere closer than 75 miles, and no one knew this. No one can comment on it.

The chairman tells me the mayor supports it. That is not my information, but who can check it in this time? This is the wrong way to proceed. I hope that this money is not completely wasted.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute, and I yield to the gentleman from Indiana (Mr. VISCLOSKY).

(Mr. VISCLOSKY asked and was given permission to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to engage the gentleman from Minnesota in a colloquy. I would say to the gentleman from Minnesota (Mr. OBERSTAR), is it the intent of the conferees that the authorization for section 332(a)(96), the Westlake Corridor Commuter Rail Link, include authorization for the acquisition of eight commuter rail cars for the South Shore Railroad?

Mr. OBERSTAR. Mr. Speaker, I would tell the gentleman, it is, indeed, and the statement of managers confirms that intention in that language.

Mr. VISCLOSKY. I thank the gentleman.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, the conference report before us today marks a major achievement in providing the developments that are needed in our Nation's transportation infrastructure.

I want to congratulate the chairman and the ranking minority member on the committee, and in New York and in communities across the United States our highways, bridges, transit systems will be far better off because of this bill. That is the good news.

The bad news is that this bill does not go nearly far enough in making the streets safer from the horrible tragedy of drunk driving, a crime that claims more than 16,000 Americans, and injures countless more every year.

First, let me say that I am very pleased that this bill contains provisions to encourage States to crack down on repeat drunk drivers. Too often, convicted drunk drivers find their way right back behind the wheel of a car to commit their crime again. I introduced repeat offender legislation last year after the tragic death of my constituent, Burton Greene, and I am pleased that Congress is finally taking action in this area.

As many of my colleagues know, however, I had also hoped that the conference report would contain the Senate-passed provision to ensure that the United States, like other industrialized nations, adopt a national uniform DWI standard of .08 blood alcohol content.

Regrettably, this Chamber was silenced by the Republican leadership from voting on that lifesaving measure last month. Even though the .08 provision enjoys strong bipartisan support in the Senate, the Republican leadership did bow to pressure from the powerful liquor lobby and bottled the bill up in the Committee on Rules, and killed it in the conference.

This outcome was an outrage, but not a surprise. Mothers Against Drunk Driving have big hearts but small wallets. On this bill, it came down to a battle between big hearts and deep pockets, and the deep pockets won. The liquor lobby pays a lot for the privilege of writing our Nation's drunken driving laws, and today, unfortunately, they got what they paid for.

So here we are today with a compromise of a targeted incentive program to encourage

states to adopt the .08 standard. While the measure is better than current law, history tells us that incentives alone will not be enough to match the power of the alcohol industry in state houses across the country.

On behalf of the mad Moms and mad Dads of Mothers Against Drunk Driving, Advocates for Highway and Auto Safety, and all the medical and law enforcement experts who lobbied on behalf of .08, I want to make clear that this is not the end. This is not the last time Congress will consider the .08 issue. We will be back, and we will continue to fight to make .08 the law of the land. We will continue to insist that our Nation's drunk driving laws are written by medical and safety experts—not the liquor lobby.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I just want to observe that the bill that we bring back from conference is a very strong bill on the blood alcohol level .08 issue. There are very strong real dollar incentives for States to adjust their laws to the .08 level.

This reflects a longstanding position in this body of providing incentives rather than penalties. I can only speak from experience myself with the National Driver Register, that where I started out with legislation that was mandatory 15 years ago to require States to participate in the National Driver Register, I adjusted that to make it a voluntary participation. Today every State in the Nation is a participant in the National Driver Register, and over 300,000 bad drivers with multiple records are being caught and kept off the roads.

We can, through incentives, produce good results, even better results than through punishment or penalties. This bill is strong on incentives. It is a good bill, it is good on safety. We ought to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, it has been said that this bill has a sense of the Congress resolution that if there is a tobacco settlement, that funds from that settlement should be used to restore benefits for veterans which are being cut in this bill.

To me, that is like promising to bring somebody back to life after you have shot them. It just seems to me that that language is clearly a fig leaf. It is about as useful as the previous sense of Congress resolution which was in the original highway bill when it left the House. That sense of Congress language said that the conferees should not cut veterans, and yet they did. So I think we can see that a new sense of Congress resolution in this proposal is not worth the paper it is printed on.

Let me also say that I think we ought to understand that we are about to go home on Memorial Day and rub shoulders with veterans' groups all over the country, and tell them, yes, sirree, boys, we really appreciate what you done for us, and yet, we are about to stick them with a $16 billion reduction in veterans' health care.

We are also about to say to seniors who need home-based services for the elderly, we are about to say to families who need help to deal with foster children, we are about to say to women who need child care, we are about to say to them, we are going to cut you by one-third in the social service block grant.

I have a letter which I received from 49 Members of this House just 2 weeks ago asking us to maintain the full level of funding for the same title XX services which this committee cuts by $2 billion. I want to see how many Members are going to vote for this bill today, and then go home and tell their veterans that they are for veterans' health care, and go home and tell their seniors that they are for home health care, and go home and tell women of this country who need child care help that we are going to cut that block grant by 20 percent. I just do not think we ought to do it.

I would point out there are 1,800 special projects in this bill. That is 80 percent more than we have provided in the history, in the 42-year-history, of this highway bill, and we are even providing $120 million to build a shiny new road through Canada.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, that was the question I was going to ask. I remember around here when we had the Lawrence Welk restoration that caused a lot of people a lot of heartburn. Why are we building, for my own information, why are we building a highway in Canada? Are we going to take Canada in, or what is the story?

Mr. OBEY. Mr. Speaker, I know the gentleman from Minnesota (Mr. PETERSON) was thinking of attaching part of Minnesota to Canada, but I did not know it was going to be accompanied by $120 million for a highway for our Canadian friends. You will have to ask somebody who favors it.

Mr. HEFNER. Could I ask some of the proponents of the highway bill, which I tend to support, but I do not like explaining a Lawrence Welk type boondoggle, if that is what it is, what is the rationale for it?

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. It is my understanding this is a defense highway which connects Alaska, as a result of a treaty which exists with Canada. So it is a treaty provision. That is the reason for it.

Mr. OBEY. I would simply say, Mr. Speaker, that I think the national defense of the United States needs a new highway in Canada about as much as each of us needs a case of pneumonia.

I would suggest that I do not think our taxpayers are going to be very impressed by that explanation. Let me simply, in closing, read one paragraph from the American Legion. It says, ''Members who support rescinding future veterans' benefits to pay for roads and other projects should be ashamed of their actions. It is unfortunate that Congress is willing to redirect veterans' monies to pay for highways and mass transit. This is truly disturbing, since CBO estimates there will be a $636 billion surplus. On the eve of the Memorial Day weekend,'' the American Legion says, ''remember that a government which cuts veterans' benefits relinquishes the right to ask its citizens to serve in the Armed Forces to protect the country. This is especially true when their government shares responsibility for their service-connected disabilities, their illnesses, in the first place.''

□ 1730

I agree with that and that is why, Mr. Speaker, if I have the opportunity, I will be offering a motion to recommit which would eliminate the cuts in veterans benefits that are proposed in this conference report.

Mr. Speaker, I yield back the balance of my time.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute.

It is all well and good to complain about policy and about mistakes or projects that one disagrees with, but we ought to do so on the basis of fact. It is just simply fact that in order to get to one part of Alaska from another part of Alaska you have to go through Canada. It is just that simple. I have been there. I know it.

Furthermore, this is not without precedent. In order to relieve flooding in North Dakota and Minnesota, many years ago the Congress approved flood control works in Canada in order to relieve pressure in the United States on North Dakota and Minnesota and the Red River Valley. So there are many other things that my good friend from Wisconsin could justify he may be opposed to, but I do think we ought to express the facts.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, would the gentleman tell me how many Canadian citizens use that highway every year versus how many U.S. citizens use the highway?

Mr. OBERSTAR. It is for the benefit of Alaskans and other travelers from the lower 48 States who come to Alaska for tourism.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

We have already made the arguments for this historic piece of legislation. I am particularly pleased not only that

it was passed in the Senate just some minutes ago, 88 to 5, but also that the President of the United States has stated this afternoon, and I quote, that he will be ''pleased'' to sign this legislation.

I want to recognize the tremendous cooperation we have received from the administration. Secretary Slater; OMB, about to become the director there Jack Lu, Michael Deitch; Larry Stein at the White House, Chuck Brain at the White House have really provided tremendous cooperation, and we would not be able to be here today but for their help.

This has been a bipartisan effort. I particularly want to recognize Jack Schenendorf, our chief of staff. He deserves the Congressional Medal of Honor for the kind of skill and management expertise and capability that he has provided throughout, as well as the staff, which literally have been without sleep for the last few days: Roger Nober, Debbie Gebhardt, Chris Bertram, Adam Tsao, Susan Lent, Darrell Wilson, Linda Scott, John Glaser, Mike Strachn, Bill Hughes, Charlie Ziegler, Trisha Law, Mary Beth Will, Jimmy Miller, Kathy Guilfoy, Denise Beshaw and, indeed, I must emphasize the tremendous cooperation and support we received from the Democratic staff as well.

In fact, I hesitate to call it the Republican staff and the Democratic staff, because we have worked together as one on a bipartisan basis for the good of the country. Certainly the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Wisconsin (Mr. PETRI), members on both sides of the aisle on our committee have worked very hard and have brought this bill to the floor. Indeed, we recall that it passed through the House 337 to 80.

And particularly for some who are concerned about the guarantee, let me point out that, really, the guarantee is less than we wanted to accomplish in the House. We wanted to take the trust funds off budget, but we had an overwhelming vote to do that. Seventy-five percent of the Republicans voted in favor of doing that. So this is historic legislation, puts the trust back in the trust fund. I urge its adoption.

Mr. QUINN. Mr. Speaker, although I am unable to cast my vote today for this legislation due to prior family commitments, I am pleased to voice my support for H.R. 2400 the Transportation Equity Act for the 21st century, or TEA 21.

I would like to thank all of the conferees for their leadership in making this bi-partisan legislation a reality. This is truly an historic day for the United States of America. TEA 21 is a magnificent work which addresses many transportation related concerns.

For example, this bill contains the most comprehensive anti-drinking and driving measures ever put into legislation. The people in my district will see the results of the significant steps this Congress will be taking to combat drinking and driving. This bill reauthorizes the discretionary bridge program. This program will give our states the tools to replace or repair our crumbling bridges. The bill authorizes funds for the Rails to Trails program, access to jobs, school bus safety, and many other important programs. And of course the legislation takes care of specific district priorities.

I have worked with community leaders of the 30th district of New York over the past 2 years to find out what they needed to better the quality of life in our community. I submitted that list, along with over 400 of my house colleagues, to the committee for their consideration. Fortunately, for my district the Committee saw fit to authorize some of the things I requested.

In the last six years, there have been two severe accidents on the same road in Buffalo, New York. Both of these accidents resulted in the loss of several lives. H.R. 2400 provides us with an opportunity to fix that stretch of road by creating a shoulder for disabled vehicles. This bill allows me to receive funding for that priority. Can anyone in this Chamber tell the families of the victims of these horrific accidents that this is pork? That it is an unnecessary project? Can anyone in this Chamber tell the New York State Thruway Authority, who has asked for funds to correct this problem that it is unworthy?

In closing, this is a good bill. It covers a variety of needs in the sphere of transportation. It will rebuild our crumbling roads and bridges and in turn make our nation's highway's safer. This is my third term, this is my first opportunity to authorize our nation's transportation policy. I only wish, for the sake of the families who have suffered losses on my district's highway's over the past 6 years, that it could only have come sooner.

Vote to rebuild our nation's roads and bridges. Vote for the safety of our highways. Vote Yes for the TEA 21 Conference Report.

Mr. STARK. Mr. Speaker, H.R. 2400, the ''Building Efficient Surface Transportation and Equity Act (BESTEA)'' bill is a highly needed piece of legislation. Every member of Congress wants to be able to go back to his or her district over the Memorial recess and give their constituents new roads and improved public transportation. I would be as proud as the next member to go back to California's 13th District and give them millions of dollars for road repairs and improvements—if it was not a deceptive form of Congressional pork and budget busting.

This legislation authorizes approximately $216 billion in federal highway and transit assistance over a six-year period. This bill is too large and too complex to agree to when the whole process went awry. When Congress agrees to ''Save Social Security First'' but votes to spend a bloated highway bill—filled with various pork barrel projects—then Congress is deceiving the American people.

The proposed funding in the BESTEA bill will deny states block grant funds for social services. Three billion dollars has been taken from programs that would have otherwise gone to services for children without health insurance, the disabled and the impoverished.

The BESTEA legislation unjustly denies $15.5 billion in benefits to veterans for disabilities relating to tobacco use in the miltiary—a service-connected disability—to fund highway construction projects. I will not tell veterans that we would take away an earned benefit—that we would deny them of a healthy and productive lifestyle—to pay for potholes.

Like every member of Congress, I realize the importance of safe roads and bridges and its impact on public health and safety. But unlike most members, I will not sacrifice children and welfare recipients to pave America's streets. I will not vote for H.R. 2400.

Ms. VELÁZQUEZ. Mr. Speaker, first and foremost, I want to thank the Transportation and Infrastructure Committee, particularly Chairman SHUSTER, Chairman PETRI, Ranking Member OBERSTAR, and Ranking Member RAHALL, for their monumental work in completing this historic transportation legislation. Throughout the process both they and their hard working staff were responsive to our inquiries and carefully considered our transportation project proposals.

Two of the projects authorized in H.R. 2400, Building Efficient Surface Transportation and Equity Act, involve major repairs and reconstruction of Flushing Avenue. This roadway spans through various communities in Brooklyn and is known as a linking gateway to economic development. By funding these projects, we will improve and preserve a roadway that not only links people, industry and commerce across Brooklyn, but across New York City.

The infrastructure improvements are long overdue for these communities. The work involved includes: removal of old trolley tracks (some parts of the Avenue are cobblestone); setting of new concrete bases (some parts of the Avenue have never had road bases); new street surfacing; and curbs and sidewalks rebuilding that is necessary from the road reconstruction work, particularly for the commercial residents. This project is part of the effort to bring economic development and opportunity to the area.

Under the $3.75 million project, two segments of Flushing Avenue in Williamsburg and Bushwick would be reconstructed and resurfaced in one of the authorized projects for the people of the 12th District. One segment runs between Humboldt Street and Cypress Avenue and is lined by businesses, public housing units, and other residential buildings. Another segment falls between Porter Street and Cypress Avenue and is lined by commercial establishments and residential buildings.

Another Flushing Avenue segment to be reconstructed and resurfaced with $2.25 million is equally important for the economic development and quality of life of Bushwick and the adjoining Ridgewood community. The segment falls between Wycoff Avenue and Gates Avenue and is lined by businesses, many mom-and-pop shops, supermarkets, a hospital, a post office, and 2–6 family-size homes.

Mr. Speaker, I also rise today on behalf of myself and my distinguished colleague from New York, Congressman TOWNS. Today is a very important day for the residents, small businesses, neighborhoods, and public facilities of our respective congressional districts. We have worked tirelessly for years with the communities in Brooklyn surrounding the Gowanus Expressway to find the best answer to the congestion and crumbling condition of this major highway, which is a key component in the New York area's transportation network.

The people living and businesses operating every day in these areas have patiently asked that a full study of alternatives to the planned reconstruction of the Gowanus Expressway be performed. For the economic viability of the area and the environmental health of the families living near this planned reconstruction, it is

crucial that the impact on the surrounding communities be adequately assessed.

The Building Efficient Surface Transportation and Equity Act finally responds to the pleas of these New York neighborhoods. H.R. 2400 authorizes $18 million dollars for New York State to conduct a Major Investment Study (MIS) of the Gowanus Expressway Corridor. None of these funds may be used to supplement or finance any part of the currently proposed rehabilitation and reconstruction of the highway. The intent of the funding is to provide for an MIS to determine the short and long term social, economic and environmental benefits and costs of different alternatives to rebuilding the current elevated highway—including a tunnel.

The MIS will include Phase I to IV civil engineering and design documents so as to accurately determine the initial and long term fiscal, environmental, social and economic costs of replacing the current elevated structure of the Gowanus with a tunnel. This analysis will include a complete engineering study, including hydro-geologic study and the cost of tunnel connectivity with bridges and tunnels adjacent to the corridor.

Using the methodology devised in the ''West Brooklyn Traffic Calming Study'' CMAQ proposal, the MIS will devise mitigation measures to reduce current and future traffic diversions from the Gowanus Expressway in adjacent neighborhoods. Additionally, the MIS will include an assessment of service improvements to all subway lines needed to produce an increase in ridership and reduction in motor vehicle traffic in the Gowanus corridor before, during and after the reconstruction of the highway. Upon completion of the MIS and tunnel alternative study, any remaining authorized funds should be held for the future planning and design phase of the Gowanus project.

The Gowanus MIS Project is part of a sound national and regional transportation policy. With this proposal, the Gowanus neighborhoods are one step closer to a real solution to this long-standing local transportation dilemma. This project is not only about transportation—it is also about the economic development and empowerment future of our communities.

In sum, these transportation projects represent a new era for Brooklyn. No longer should we approach the economic support of these communities with a narrow scope. All components—good schools, safe neighborhoods, reliable public services, clean air and water, and safe roads—must come together for a serious revitalization and urban development strategy.

Ms. DELAURO. Mr. Speaker, I would like to join in congratulating my colleagues, particularly Chairman SHUSTER and Congressman OBERSTAR, for their hard work in bringing BESTEA to the floor. This legislation is critical to the upkeep and development of our Nation's transportation system.

I am particularly pleased that innovative financing for highway and mass transit projects has been included in this legislation, which I worked for in the House. Innovative financing will help fill annual transportation funding shortfalls by using limited federal dollars to attract private capital for the construction of federal highways and worthy transit projects. For every $100 million invested by the government, we can attract $1 billion in private capital.

BESTEA is also good for Connecticut. It creates true ''equity'' for the state of Connecticut. In addition, as part of Connecticut's overall funding, this legislation contains funding that will enable the City of New Haven to begin work on I–95 at Long Wharf. This project will enhance the safety of this section of I–95 between New York and Boston, improve access to high speed rail, and recomment New Haven to its harbor front.

I urge my colleagues to pass BESTEA. It's good for our Nation's transportation system. It's good for workers. And it's good for commerce.

Mrs. ROUKEMA. Mr. Speaker, I rise in opposition to this Conference Report. This Conference Report is a far cry from the bill this House passed in April.

I voted for the House passed bill on the assurance that the formula for reallocating the money from the Federal Gasoline Tax would be fair and equitable to all and take into consideration the unique concerns of states like New Jersey.

But the Conference Report has New Jersey losing federal dollars. For every $1 paid in Federal Gasoline Tax by a citizen of New Jersey, the State of New Jersey will receive only .93 cents back from the Federal Government.

This is unacceptable. New Jersey ranks near the bottom in the nation in the ratio of federal money returned from federal taxes paid by our citizens. This Conference Report adds insult to injury.

I voted for the House passed bill in April to settle the tough budget issues in Conference, to create a bill that is responsible to states like New Jersey, to ensure that veteran and other vital programs were not sacrificed and to move the process along. I am sad to say that the Conference Report failed to resolve any of these keys issues.

NEW JERSEY

My state of New Jersey is the economic crossroads of the northeastern United States. If it moves by truck, train, or ship chances are it moves through New Jersey.

New Jersey is unique in many ways to other states. Our infrastructure is older, has more wear than other states and intensely urban. Our highways are traveled by more and more people through the northeast crossroads. New Jersey is also the most densely populated state in the nation.

The previous ISTEA had New Jersey's unique needs in mind. From 1992 through 1997, New Jersey received $1.03 back on every dollar paid.

The loss of 10 cents on the dollar is unacceptable. This is not a good deal for New Jersey. New Jersey can no longer be a siphon for money for other states.

The House passed bill took this into consideration. But this Conference Report reduces New Jersey's funding below the level that is acceptable. My ''no'' vote is to register my disagreement with the Conference.

VETERANS

In the bill that passed in April, this House strongly stated that No Veterans benefit or service would be reduced or eliminated to pay for any part of the bill.

On May 20, 1998, this House voted 422 to 0 to instruct Conferees not to allow any Veterans benefit or service would be reduced or eliminated to pay for any part of the bill.

On two occasions, this House stood up for our nation's veterans. But now, the Conference Report eliminates the benefit for veterans with tobacco related illnesses to pay for the bill.

And now we find that the Conference has decided to use a higher estimate of costs of the benefit for veterans with tobacco related illnesses by the OMB that puts the cost at $17 billion. (The CBO says it is around $10 billion if that much.)

Of that $17 billion of those so-called savings $15 billion will go to pay for this bill. The extra $2 billion was promised to be directed toward disability and education programs.

Does that mean $2 billion this year, next year, over six years? How much for disabilities? How much for education? There are too many questions and not enough answers.

As my friends from the South say, ''This dog don't hunt.'' Now regardless of how you feel about paying for veterans with tobacco related illnesses, I have my questions on the merits, but the fact is: The House stated on two occasions, almost unanimously, that this bill would not cut veterans programs but in the end it does by billions of dollars to pay for other government programs. I personally would like to see all the savings from paying for veterans with tobacco related illnesses to be directed back into the VA to pay for a veterans health program that they were promised.

So here we are, just a couple of days before Memorial Day, ready to vote to sacrifice those who have already sacrificed for all of us. Is this really the vote we want to make before Memorial Day? Is this really the vote we want to make after this House said not on the same question twice before?

SOCIAL SERVICE BLOCK GRANTS

The Conference Report takes $2.4 billion from Social Service Block Grants and directs it to transportation spending. These important grants are vital to New Jersey in providing for Child Care, Meals on Wheels, aid victims of domestic violence, aid to the disabled citizens, and emergency food to the homeless. I might add that New Jersey has one of the highest number of homeless veterans in the nation. Social Service Block Grants are a key element in providing assistance to the most vulnerable parts of our community. This is another unacceptable part of this Conference Report.

For the reasons I have described, I can not support this Conference Report and I urge a ''no'' vote.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in strong support of the conference report on H.R. 2400, the Building Efficient Surface Transportation and Equity Act, (BESTEA). A historic piece of legislation which will impact positively on just about every Congressional District.

I want to thank the Chairman and Ranking Democrat of the Transportation and Infrastructure Committee, Mr. SHUSTER and Mr. OBERSTAR for their commitment and leadership in fashioning the BESTEA Conference Report in time for it to be considered before the Congress embarks on the Memorial Day District Work Period. This isn't a perfect bill but is the best compromise that could have been gotten under the circumstances.

Had I had the opportunity to write this Conference Report, Mr. Speaker, I would have written it differently. I am inexorably opposed to the fact that, as I understand it, this Conference Report uses funding from certain Veterans disability payments for smoking related ailments to help pay for the bill. I am ashamed

that this had to occur and pledge to work with my colleagues in the House to do all we can to restore this cut.

But my support for this Conference Report is based, in no small measure, on the fact that for my constituents in the Virgin Islands, this Conference Report and the funds that it will provide, will mean that we will be able to go forward with many of the important road projects which are so critically important to our economy.

In conclusion Mr. Speaker, I want to also thank Mr. RAHALL for his work on this Conference Report and his assistance in making sure that the U.S. offshore areas were treated equitably in this bill. I urge my colleagues to support passage of this bill.

Ms. FURSE. Mr. Speaker, I rise in support of the conference report on H.R. 2400 which is before the House. First, I want to give credit to the dean of the Oregon delegation, PETER DEFAZIO, for his good work attending the needs of Oregon and the entire Pacific Northwest. He has been a source or guidance and support since I was elected in 1992, and I will miss working with him in Congress. My colleague from across the Willamette River, Mr. BLUMENAUER, has also worked hard on behalf of our region and deserves credit for his efforts on this bill.

This bill invests in our nation's future because it makes our intermodal transportation needs a propriety for the next six years. I am lucky to represent a beautiful part of the country that is a national model for incorporating effective land-use planning in our long-term transportation plans. Oregon's future, a vision with less traffic and vibrant commerce, depends in no small part on regional and state land use decisions, as well as federal support. In my district and across the state, decisions emphasize corridor and zoning planning and are predicated on an integrated transportation system. Ultimately, transit and road networks work hand-in-hand to continue what we believe is an unparalleled quality of life. We are fortunate in Oregon, and this conference report helps us continue our innovations at the state level.

I am pleased that the bill today authorizes completion of the Westside Light Rail project, one of my top priorities in Congress for the last six years. The Westside Light Rail project needs an appropriation of $36.6 million to be completed on time this year, and this legislation authorizes those funds. I am also pleased that this bill includes $3.5 million to obtain standard fixed-route buses for services increases associated with the opening of the Westside Light Rail project in September. In addition, BESTEA includes authorization of the South-North Light Rail project, a key part of our region's 2040 long-term transportation plan.

While this bill includes our region's important light rail and transit priorities, it also includes a number of other projects that are so important to the future of my district. It includes planning funding for the Tualatin-Sherwood Bypass and the Newberg-Dundee Bypass. I have worked to gain federal support for the Newberg-Dundee Bypass for four years, and am pleased that it will finally receive some funding under this bill. I hope the state and the entire region will follow suit and finally realize how important the Newberg-Dundee Bypass is to Yamhill County's future.

This legislation also includes nearly $3 million to help Astoria, including funding to prepare for the Lewis and Clark Bicentennial. It will allow for improvements at two intersections along Highway 101 which have chronic safety problems, as well as provide seed money for a future intermodal transportation center. This bill also includes funding to reopen the Astoria Railroad Line, a vital transportation connection to the Port of Astoria. It is my hope that these funds will help create jobs in Astoria and prepare for the upcoming Lewis and Clark celebration.

I am also pleased that this bill includes funding for two highway projects in Washington County, one of the fastest growing regions in the entire Pacific Northwest. It includes funding to upgrade the I–5/Highway 217 Kruseway Interchange which is a constant source of traffic headaches for motorists in our region, as well as funding to improve commuter access and widen the Murray Road Overpass. These projects will greatly enhance access and safety in two critical commercial centers in my district.

Finally, the BESTEA conference report includes two important legislative provisions that I have been working on over the last year. As Co-Chair of the Diabetes Caucus, I worked with my colleague, Mr. NETHERCUTT, to overturn a 28-year-old Federal Highway Administration prohibition on people with insulin-dependent diabetes operating commercial vehicles in interstate commerce. This legislation takes steps to reverse this discriminatory regulation. In addition, this conference report includes technical language I authored in the Commerce Committee to reinstate an exemption from the National Highway and Traffic Safety Administration's vehicle importation regulations for vehicles imported for show or display. I am pleased that these provisions are included in the final conference report.

I thank Chairman SHUSTER and Ranking Member OBERSTAR for their hard work on this legislation. Once again, I want to express gratitude on behalf of all my constituents to Oregon's members of the Committee, Mr. DEFAZIO and Mr. BLUMENAUER, as well as their staff members Kathie Eastman and Elizabeth Humphrey. I urge my colleagues to support passage of the conference report.

Ms. NORTON. Mr. Speaker, I rise today to discuss the historic transportation bill being reported out of conference today. This bill will provide badly needed assistance to communities across the country struggling to maintain and repair the transportation infrastructure which is the lifeblood of our nation's social and commercial activities.

I commend the conferees for including the Disadvantaged Business Enterprise program in this bill. This affirmative action program for contractors in the transportation industry will ensure that all Americans have an opportunity to participate in the construction and other activities envisioned by this legislation. The Disadvantaged Business Enterprise Program, also known as the DBE program, is fair, constitutional and, most importantly, it works. It is a tribute to the Congress that it is included in the bill before us.

Despite ample evidence that the DBE program is necessary and effective, there are still some who apparently wish to ignore the need for this program. Along with the House Transportation and Infrastructure Committee report accompanying this bill, nine members of this body filed additional views in which they criticized the DBE program and expressed their view that it is not needed. The fact is, however, that I, and the majority of my colleagues, disagree with this assessment. If we did not, the DBE program would not be included in this bill.

The authors of the House committee's additional views made several serious factual misstatements. The most serious misstatement is that there is no evidence of discrimination in the transportation construction industry before the Committee on Transportation and Infrastructure. This could not be more false. The fact is that there is a raft of evidence of discrimination in the transportation construction industry—and many related industries. Moreover, much of this evidence has been formally presented to Congress. In order to set the record straight, I want to make sure that my colleagues are aware of at least some of the volumes of evidence of the persistence of discrimination. It is beyond the scope of a brief floor statement to detail all of the evidence that exists with respect to discrimination, but I must mention at least some of the most important and probative evidence.

Evidence of Discrimination Presented to Congress:

In the Additional Views section of the House committee report entitled ''Additional Challenges'', the authors contend that based upon existing case law, the DBE program raises significant constitutional questions for the following reasons:

(1) No evidence was presented to the Committee that actual discrimination has occurred within the transportation construction industry;

(2) No evidence has been presented that race neutral remedies were attempted and found deficient;

(3) No evidence was presented justifying the program on a nationwide basis;

(4) No statistical evaluations have been presented justifying the program in any given market; and

(5) No evidence has been presented justifying the fact that the program does not include a procedure for individualized inquiries into whether a particular DBE has suffered from past discrimination.

The first four claims are similar to claims made by Adarand Constructors before the district court after the Adarand case was remanded from the Supreme Court. The court rejected these contentions when it stated that Congress had a compelling government interest in adopting the statutory provisions that support the DBE program. Consistent with current precedent, the court agreed that Congress had a unique role as a national legislature which permitted it to address nationwide problems with nationwide legislation. The court also found that Congress had considered the use of race-neutral measures before adopting the statutory provisions supporting the DBE program. The fifth claim ignores the provisions in the current DBE regulation that permit challenges by a third party to the certification of a DBE as disadvantaged. Furthermore DOT's proposed rules revise the current regulation to include an even more rigorous certification of disadvantage.

In the Adarand remand, the district court reviewed an extensive record of hearings, reports, testimony and statistics that had been presented to Congress in the twenty years since Congress first amended the Small Business Act in 1978 in order to provide that small businesses owned by socially and economically disadvantaged individuals have the

''maximum practicable opportunity'' to participate in federal contracts and subcontracts. That record included material from the time period when Congress first enacted a 10% goal for disadvantaged business enterprises in the Surface Transportation Assistance Act in 1982, through the continuation of the DBE program in 1987 in the Surface Transportation and Uniform Relocation Assistance Act (STURAA) and its renewal in 1991 in the Intermodal Surface Transportation Efficiency Act (ISTEA). The court noted that on numerous occasions Congress had received testimony and evidence, as well as annual reports from the Small Business Administration, regarding the discriminatory barriers faced by minority businesses and the continuing need for remedial efforts to address such discrimination. The court concluded that this record met the constitutional standard by providing a ''strong basis in evidence'' from which Congress could conclude that significant discriminatory barriers faced minority businesses.

The Department of Justice highlighted the extensive number of hearings held by Congress on the subject to racial discrimination and minority businesses when it published in the Federal Register. ''The Compelling Interest for Affirmative Action in Federal Procurement: A Preliminary Survey'' as an appendix to Proposed Reforms to Affirmative Action in Federal Procurement (DOJ Appendix). 61 Fed. Reg. 26042 (May 23, 1996). At that time, Justice identified at least 29 hearings on this subject between 1980 and 1995. Congress has continued to hold hearings on this issue and an update of this list shows an additional eleven Congressional hearings through the end of 1997 on the same issue.

Some of the testimony that has been offered most recently is very relevant to the DBE program. While there have been a great many statements on the subject, I will quote only one here. On April 30, 1996, Assistant Attorney General for Civil Rights, Deval L. Patrick, testified before the Committee on Education and Labor about the ongoing need for affirmative action. In his testimony he discussed many types of discrimination but his comments about discrimination against minority and women entrepreneurs is especially important in this context. Mr. Patrick stated:

Congress has repeatedly reviewed and supported the SBA's program, as well as those of some other agencies, such as the Department of Transportation, to aid small and disadvantaged businesses. In doing so, Congress recognized the need to help such firms combat the effects discrimination has had on their ability to develop in our economy. A few facts demonstrates Congress's wisdom.

While minorities make up over 20 percent of the population, minority-owned businesses are only 9 percent of all U.S. businesses (U.S. Commission on Minority Business Development, Final Report 2–6 (1992)). The minority-owned firms that do exist have, on average, gross receipts that are only about one-third those of nonminority firms (id. at 4). Similar inequities apply to women-owned businesses. Women own nearly 20 percent of all businesses with employees and a third of all small businesses but received less than 3 percent of federal procurement contract dollars in 1994 (Expanding Business Opportunities for Women, The 1995 Report of the Interagency Committee on Women's Business Enterprise, at 3, 11, January 1996; see also 1992 Survey of Women-Owned Businesses. U.S. Department of Commerce, Bureau of the Census (1996)).

Discrimination in the critical ability to secure necessary capital persists; white business owners in the construction industry receive over 50 times as many loan dollars per dollar of equity capital as African American owners with identical borrowing characteristics (Grown & Bates, Commercial Bank Lending Practices and the Development of Black Owned Construction Companies Journal of Urban Affairs, Vol. 14, No. 1, 34 (1992)). Recent studies have shown that limited access to capital has had a simiarly negative affect on firms owned by women, and that due to that lessened access to capital more women than men finance businesses out of their own resources (Expanding Business Opportunities for Women at 8).

Discrimination occurs in both private and public contracting. Disparity studies completed by state and local governments after the Croson decision routinely found that minority-owned businesses are locked out of public contracting markets. After the Croson decision, many states suspended affirmative action business program, with a devastating effect on minority business. In Richmond, in the absence of affirmative action, minority participation in construction dropped from 40 percent of all contracts to less than 3 percent (U.S. Commission on Minority Business Development, Final Report at 99 (1992)). Similar falloffs occurred in Philadelphia (97% decline), Tampa (99% decline for African American-owned businesses and 50% for Hispanics), and San Jose (minority participation fell from 6 percent to 1 percent in prime construction contracts) (ibid).

In private industry, discrimination is even more pronounced. Both minority and women-owned firms report that they are routinely unable to secure subcontracts on private work where there are no affirmative action requirements, and that white owned prime contractors even reject minority or women-owned firms that offer the lowest bid.''

Beyond the record of various Congressional hearings, there is further evidence supporting Congress' determination to continue to use of the DBE program. In 1992, the Final Report of the U.S. Commission on Minority Business Development concluded that the severe under representation of minorities in business was caused by discrimination and benign neglect. The Small Business Administration's State of Small Business report in 1994 stated that in 1992, minorities owned 9% of all business, but only received 4.1% of federal contracting dollars. The 1992 Economic Census: Survey of Minority-owned Business Enterprises published in 1996 by the Department of Commerce revealed a similar ratio of minority owned construction firms to receipts for such firms. In 1994, the House Committee on Government Operations found that minority-owned firms face particular difficulties in the construction industry which is dominated by ''old buddy'' networks and family firms and tends to exclude minority firms. H.R. Rep. No. 870, 103d Cong., 2d Sess. (1994).

The DOJ Appendix described in some detail the discriminatory barriers to minority contracting opportunities, evidence of which is found in studies and reports issued by congressional committees, executive branch commissions, academic researchers and state and local governments. Such evidence demonstrates that discrimination works to preclude minorities from obtaining the capital needed to form and develop a business because of discrimination by trade unions and employers as well as lenders and that minority firms are denied full and fair contracting opportunities because of discrimination by private sector customers, prime contractors, business networks, suppliers and bonding companies. As described in the DOJ appendix, much of this evidence has been presented to Congress and has been the subject of Congressional hearings, particularly in the area of discrimination by lenders and surety bonding companies.

Additional Evidence:

The fact of the matter is that there is a great deal of additional evidence that is available to Congress in less formal forms. Every day each of us receives evidence of national needs from our constituents and from studies and articles we discover in our efforts to represent those who elected us. Some of this evidence is not presented formally in hearings or Congressional reports—but it is evidence all the same and it informs the work we do. I do not have time here to outline all of the evidence of discrimination in transportation construction that has come to my attention, but I would like to mention a few of the more recent studies and writings. Perhaps the most important source of information comes to us from the numerous disparity studies that have been completed in communities across this Nation. Over one hundred and fifty of these studies have been completed and many have dealt with transportation construction contracting. I will describe just a few of these studies and their conclusions here.

A study of the historical record of minority and women-owned business enterprises in public and private contracting in New Jersey submitted to NJ Transit and the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts by the Afro-American Studies Program of the University of Maryland at College Park in August of 1992 states: ''Despite extraordinary efforts to promote equal opportunity in employment and other areas of social and economic life in New Jersey, significant inequalities remain. One persistent area of inequality is business ownership. Many minority group members and women lack access to key channels for entry into business ownership. Some of these blocked paths are the direct result of specific policies by the state in the past to favor white-owned firms or the indirect result of inaction on the part of the state to prevent discrimination that ultimately has resulted in an underutilization of the potential business talents of women and minority citizens of New Jersey. The record of these actions and inactions . . . strongly supports the (re-) introduction of race- and gender-specific remedies to fulfill the state's own constitutional mandate to promote equality of opportunity to all its citizens.'' (NJ Transit, University of Maryland at College Park study at 32.)

A study of the Executive Office of Transportation and Construction for the Commonwealth of Massachusetts performed by D.J. Miller and Associates (DJMA) in March of 1994 states that ''there is ample evidence of discrimination against African Americans, Latinos, other minority groups, and women.'' In addition, the report's executive summary states that ''[t]he information revealed in the disparity study leads

DJMA to conclude that a sufficient inference of discrimination can be made from this factual predicate to warrant the implementation of a race-conscious procurement program.'' (DJ Miller study at ES11.)

A study of the Fort Worth, Texas Transportation Authority by Browne, Bortz and Coddintgton (BBC) issued in November of 1993 concludes that ''[t]he combined quantitative and qualitative evidence of discrimination against minority and woman-owned firms forms a sufficient factual predicate for remedial action by the Fort Worth Transportation Authority. Race and gender-neutral remedies should be considered, but the study team concludes that they alone will not be sufficient to fully remedy the effects of past and present discrimination. Therefore, a basis exists for the Transportation Authority to consider narrowly-tailored race and gender-based remedies.'' (BBC, Fort Worth Transportation Authority study, at ES11.)

Of course, disparity studies are only one source of data about discrimination. One recent report also deserves special mention because it deals exclusively with affirmative action in public contracting and because a summary of this report was sent to every member of Congress. in late 1996, the Urban Institute released Do Minority Owned Businesses get a Fair Share of Government Contracts? The Answer to the question posed by the study was a resounding ''no.'' The report was based upon the evidence contained in 58 disparity studies commissioned by various state and local governments and demonstrated wide statistical disparities between the share of contract dollars actually received by minority- and women-owned firms and the share those firms should have received. These disparities are very important evidence. In the Croson decision the Supreme Court made clear that ''gross statistical disparities'' will be considered ''prima facie proof of a pattern or practice of discrimination'' in contracting.

The report found that minority firms received only 57 cents for every dollar they would be expected to receive based upon their availability. While this statistic is shocking, it should be no surprise to those of us in Congress who for years have been hearing evidence of the discrimination against women and minority entrepreneurs. For specific facial groups the disparities were even greater: African-American-owned firms received only 49 cents on the dollar, Latino-owned firms received 44 cents on the dollar, Asian-American owned firms received 39 cents on the dollar and Native American-owned firms received 18 cents on the dollar. In addition the report found that women-owned firms received only 29 cents of every dollar they would be expected to receive based upon their availability.

The report also provided information about the disparities in construction contracting, work which quite often includes transportation construction contracting. In the construction arena minorities received only 61 cents for every dollar they should have received given their availability. Women received only 48 cents on the dollar. The statistics were even more disheartening for certain minority groups. For instance, African American owned firms received only 56 cents for every dollar they would be expected to receive based on their availability—Asian owned firms received only 60 cents on the dollar.

What we must all remember is that these statistics—disturbing as they are—represent a world in which there are the kinds of affirmative action programs that some would have us end. Without affirmative efforts like the DBE program, the situation would be far worse. For example, the Urban Institute report found that the disparities between minority- and women-owned firms and other firms were more pronounced in areas in which no affirmative action contracting program was in place. When only areas and years in which affirmative action is not in place are considered, the percentage of awards to women falls from 29 percent of what would be expected in 24 percent. For African Americans the percentages dropped from 49 percent to 22 percent, for Latinos the percentage dropped from 44 percent to 26 percent, for Asians from 39 percent to 13 percent, and for native Americans from 18 percent to 4 percent. These figures clearly show that affirmative action programs are not only effective, but they are also still desperately needed.

Statistical evidence—the primary focus of the Urban Institute report—must be considered in combination with other social science evidence and anecdotal evidence provided by those involved in the contracting process. In addition to documenting statistical disparities, the Urban Institute report reviewed the social science literature and the disparity studies to determine the challenges confronted by disadvantaged firms.

The study notes that the social science literature reveals several areas in which minorities may confront barriers in their efforts to form businesses. Firsts the study notes that minorities tend to have lower incomes, less wealth, and limited access to financial markets. A second area of disadvantage involves minorities' limited access to business networks and the relative lack of family members who are self-employed or run a business. Minorities may also be disadvantaged by lower levels of educational attainment and less experience in business relative to their white counterparts. The report also notes that minority firms may face limited access to wealthier white customers due to discrimination by white customers and residential segregation.

Finally, the study points out that the individual disparity studies contain a huge number of anecdotes about discrimination. According to the study, barriers early in the contracting process may include: failure of the government to break down large contracts into smaller components which could increase the participation of smaller minority-owned firms; restricting affirmative action solely to subcontracting and thus limiting the opportunity of minority firms to work as prime contractors; abuse of good faith waivers; and inadequate prosecution of ''front'' firms. Barriers during the bid solicitation stage include: use of closed or private requests for bids; failure to advertise bids in minority media; failure to notify minority firms of bidding opportunities; provision of incomplete bid specification information to minority firms; and untimely notification of minority firms of bidding opportunities. Barriers during the evaluation of bids include: discrimination in pricing by suppliers; ''bid shopping;'' and renegotiating specific projects in order to manipulate the process in favor a majority firms. Finally, the report notes that there is anecdotal evidence of barriers during the actual execution of contracts including: exclusion of minority firms by prime contractors after contracts have been awarded; slow payment of amounts owed to minority firms; and project sabotage.

The bottom line is this: there is a vast amount of evidence of discrimination against minority and women owned firms in America. This evidence exists in both the transportation construction arena, and in markets (such as finance and bonding) which are directly related to the construction industry. All of this evidence provides this Congress with a compelling interest to address discrimination through the enactment of the Disadvantaged Business Program.

Other Errors in the Additional Views

Finally, I cannot complete this statement without noting the misleading pattern of factual misstatements and omissions in the Additional Views in the House committee report filed by my distinguished colleagues. The section of the views entitled ''History of the DBE Program'' obscures the fact that the Department of Transportation has proposed extensive changes to its own program regulations to improve and strengthen the DBE program. Some of the regulations referred in this section are not DOT's regulations, but instead regulations issued by the Small Business Administration. Moreover, the Additional Views represents these SBA regulations as final and they are not. The SBA regulations issued in August of 1997 are proposed regulations which have not yet been finalized. The Department of Transportation's proposed regulations were issued in May of 1997.

The section of the Additional Views entitled ''Effect of the Adarand Court Decisions'' states that the courts have made it clear that federal affirmative action programs ''must be restructured to provide targeted remedies to only those who have been the victims of specific discrimination.'' This assertion is incorrect. Seven of the nine Justices recognized ''the unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country'' [emphasis added] and reaffirmed the government's authority to address this problem. The majority opinion in Adarand is consistent with the longstanding understanding of affirmative action programs that, when members of a group have been discriminated against on the basis of their race, then members of that group may benefit from affirmative action measures even if they themselves have not made specific showings of injury due to discrimination. The assertion made in the Additional Views, that individual members of racial groups may benefit from affirmative action only if they prove that they themselves have suffered discrimination, was simply not the position of the Court.

In order to be correct, the section entitled ''Challenge to the Subcontracting Compensation Clause'' should note that the subcontracting compensation clause provision was not implemented to comply with the DBE program as asserted in the second sentence of this paragraph, instead it was developed to comply with the contracting requirements of the Small Business Act. Moreover, the argument made before the Tenth Circuit was not that the program should be evaluated under ''lenient'' scrutiny, but under the ''intermediate scrutiny'' standard which had been upheld by the Supreme Court prior to its decision in Adarand.

In the section entitled ''Application of the Strict Scrutiny Standard'' the Additional Views

state: ''[c]ase law stipulates that the only compelling governmental interest for race preference if the remedying of past discrimination.'' This statement is flatly incorrect. First of all, the Court has clearly held that the government has a compelling interest in addressing not only past discrimination, but also present discrimination. Second, there are also suggestions in the case law that diversity may constitute a compelling government interest for the use of race-based affirmative action measures in certain contexts such as higher education.

In this same section, my nine distinguished colleagues repeat the completely untrue assertion that the Sultan of Brunei would qualify for the DBE program. The presumptions of social and economic disadvantage under the DBE program are rebuttable, not absolute. The Department of Transportation maintains a system under which any person, whether or not they are directly involved in the DBE program may challenge the certification of a firm as a DBE. The existing rule has a specific procedure to accomplish this. Moreover, the proposed rule would institute a mechanism to make challenges easier to bring and would allow recipients to hold an application in abeyance while deciding a challenge. If the Sultan of Brunei—or anyone with substantial wealth—were ever erroneously certified as a DBE, the Department would take steps to decertify that firm. The Department has taken such steps in the past, and will undoubtable do so in the future. Opponents of this program are simply wrong when they state that the Sultan of Brunei qualifies for the DBE program. He does not. Moreover, the proposed regulations issued by the Department of Transportation would impose even tighter restrictions on the economic status of DBE owners by imposing a personal net worth test.

A similar—but even more misleading—point is made in the section entitled ''Additional Concerns Regarding the Presumption of Economic Disadvantage.'' Here, the Additional Views quotes the Department's proposed regulations in a grossly inaccurate way. Quoting two sentences as if they appear consecutively in the rule, the section complains that the Department is not doing anything to economically target the benefits of the program. In truth, the section is worse than misleading—it intentionally omits the intervening sentence which clearly changes the focus and meaning of the paragraph:

''However, in order to have relevant information to enable them to make determinations about whether there should be inquiry into the disadvantage of applicants, the applicants would have to submit a signed certification that they are socially and economically disadvantaged and a brief summary statement of their personal net worth, which the recipient would have to keep confidential.'' (Federal Register Vol. 62, No. 104, May 30, 1997, page 29565.)

The import of this sentence, which the authors of the Additional Views apparently wanted to obscure, is that the Department is taking action to ensure that recipients have the information necessary to be certain that only those who are truly economically disadvantaged benefit from the DBE program.

The section entitled ''Houston Metro'' is also misleading. The Department of Transportation has worked hard to collaborate with Houston Metro to find a workable solution to the problem caused there by the court case brought by the Houston Contractors Association. In fact, in a recent hearing a distinguished member of the Republican leadership who represents Houston, commended the Administrator of the Federal Transit Administration, Gordon J. Linton, for the ''cooperation'' and ''creative'' efforts made by the Department in responding to the Houston situation. It is important to understand that despite having twice filed motions to intervene, the Department of Transportation is not a party to the case involving Houston Metro. Despite this, the Department has assisted Houston Metro in developing a race-neutral program to replace its DBE program during the pendency of the injunction. In addition, the Department recently extended the exemption it has provided to Houston Metro until October 31, 1998 in order to ensure that funds continue to flow and projects are not unnecessarily disrupted while Houston appeals the district court's decision.

Finally, the paragraph entitled ''Monterey Mechanical'' does not belong in a Committee report expressing views on a federal affirmative action program. The Monterey Mechanical case does not address the DBE program—in fact it does not address any federal program. It is not a case based upon the Supreme Court's holding in Adarand, but instead deals with the Court's opinion in Croson and the recent enactment of Proposition 209 which is relevant only to California. Similarly, in the section entitled ''Additional Challenges'' the vast majority of the cases referred to do not deal with the Department of Transportation's DBE program. In fact, most of the cases listed appear to deal with state and local program, not federal programs.

I thank my colleagues for their attention to those important issues. The fact of the matter is this: affirmative action and equal opportunity are far too important to be left to the mercy of political rhetoric masquerading as legislative history. The existence of discrimination in the transportation construction industry in this nation is clear—and the legislative record should be clear as well.

Mr. VENTO. Mr. Speaker, I rise in support of H.R. 2400, the BESTEA Conference Report. This legislation represents an important step in revitalizing our national infrastructure.

H.R. 2400 contains a number of provisions that are of special concern to my constituents. I am pleased that adequate funding was included for these proposals, of particular interest are the Phalen Corridor Initiative and the Shepard Road Upper Landing Interceptor Project.

The Phalen Corridor Initiative is a congressionally designated project in BESTEA. This Initiative is an innovative infrastructure project. The Initiative is an excellent example of what BESTEA is all about, a multipurpose intermodal system that will help revitalize the east side of St. Paul and carry the Minnesota urban transportation network into the 21st century.

The Phalen Corridor Initiative presents an opportunity to position the Twin Cities area and the State of Minnesota at the forefront of innovative transportation development efforts. The Initiative has already been recognized as ''a model for urban renewal.'' The Phalen Corridor Initiative also emphasizes the role of infrastructure plays on the overall health of our national economy, environment and community development. The 4,000 jobs will likely result which are expected to achieve a $7 million annual reduction in public assistance expenses putting people to work. This Phalen Initiative is built within the framework of a dramatically changing industrial and railway core and will revitalize bootstrapping a new vibrant economic development and importantly reinforcing existing manufacturing business and job housing, and the recreation amenities which are a vital part of such interfaces.

The Shepard Road Upper Landing Interceptor Project initiative is a multimodal transportation interceptor project. Included within this project is a multimodal facility to accommodate public and private transit service, pedestrian pathways between the Mississippi River and downtown St. Paul, a bicycle hub for commuters and recreational riders, a ride sharing hub and a bus staging and dispatching area for busses serving visitors to the immediately adjacent St. Paul Civic Center, Science Museum of Minnesota and downtown St. Paul cultural attractions.

The Shepard Road Upper Landing Interceptor Project site is a gateway site critical to the redevelopment of the five mile segment of Mississippi riverfront which is the focus of a multi-year redevelopment strategy.

Mr. Speaker, H.R. 2400 also contains an important compromise on a national wilderness area in Minnesota, the Boundary Waters Canoe Area Wilderness (BWCAW). The BWCAW, the most popular wilderness in our entire wilderness system, has regrettably been the target of controversy and attacks over the past four years. Legislation has been introduced to increase the number of motorboats allowed in the wilderness; to remotorize three portages; to keep open the portion of Sea Gull Lake now scheduled to be closure next year and to turn over to a locally dominated board the management of this national treasure.

In light of the anti-environmental record of the Republican Majority Congress over the past four years, these proposals in my mind's eye represent a very real threat to the BWCAW. While some of the more egregious proposals have been dropped, the House and Senate were poised to act on legislation that would reopen three portages and maintain over 2,100 motorboats on 3,000 plus acres of Sea Gull Lake. Passage on such legislation was highly probable and would have delivered a devastating blow to the BWCAW resource.

Against this backdrop, I fortunately reached a good-faith agreement with Congressman Oberstar on the BWCAW. We have differed on this issue and the policy path and the loan for over two decades. My primary concern is protecting the BWCA wilderness to the maximum extend possible. This compromise accomplishes such goal. Under the agreement, Four Mile Portage will not be motorized and effective January 1, 1999, most of Sea Gull Lake, and all of Alder, and Canoe Lakes will be closed to motorboats. That represents over 3,000 acres of lake surface permanently closed to over 2,100 motorboats and an agreement which defuses the motor portage issue which unresolved promised continued polarization and attacks that would in the final analysis seriously damage the BWCAW resource.

As the Forest Service implements this agreement, they should look to the Resources Committee positive actions this year on H.R. 1739. During the consideration of this measure, amendments were adopted to insure that only those portages that were motorized in

1992 can be motorized under this compromise; that limits motorized portages solely to trucks and trailers and not to other commercial operations and importantly to prevent federal subsidies from private portage services. The Forest Service should most certainly look to these provisions in determining Congressional intent.

Mr. Speaker, the BWCAW has been the subject of extensive debate and numerous hearings in Minnesota and Washington, D.C. over the past four years, including Subcommittee and Committee deliberations. While I would have preferred a different process, the BWCAW process is far more open than the homogenized budget, tax, authorization and spending measures that are so commonplace over the past four years. I support this provision of H.R. 2400.

Mr. Speaker, I would have preferred that this BWCAW issue not be addressed in this forum, but the policy has been the product of open debate and extensive hearings the past four years and a flash point for much longer—the criticism of the process belies the merit of this compromise which reduces the number of motor boats in wilderness and keeps on track the nearly 3,000 acres of Sea Gull Lake, over 2,000 motor boat permits a year out of wilderness—at the same time permitting 2 portages to be motorized the equivalent of 274 days of motor use between lakes which are all permitted to have motor boat use and the number of permits will not go up regards this circumstance and change furthermore they are almost all being used today some at over 100% utilization.

The measure before the House H.R. 2400 represents a positive use of the gas tax revenue.

A major problem arises because the 1993 budget anticipated that the increase of 4.3 cents was for deficit reduction. The Congress determined later to transfer the money to the highway trust fund that means that over a five or six year period that we will experience an overall budget short fall. This deficit and the outlay budget issue is further complicated by the fact that over economic projections haven't been updated.

I certainly hope that the dire predictions being espoused by some today do not come to pass and believe that we can avert some of this problem. No doubt that some of the earmarked projects in this measure will raise questions and should, but all each of us can do is point to the screening procedure and the hearings that most were subject to through the House committee.

Importantly this will provide significant funds for our state regarding highways and transit, this will provide an unprecedented amount of funds for these purposes and flexibility to the states and local communities to make the decisions as to the expenditure priorities of such funds raised by the national government. Also provided are continued commitment of funds for enhancement programs and mitigation programs, the goal is to help innovative expenditure of transportation including bike path trail purchases and other amenities that have become a very important program in our communities and the mitigation funding which reduces congestion, erects sound barriers, limit adverse impacts on our air quality. These programs attempt to address the full impact of motor vehicle traffic upon our environment and rectify and limit the adverse health consequences.

In any legislative matter this comprehensive we are faced with many policies that deserve more attention, indeed there are budget, authorization, tax and direct mandated spending provisions which cut across many topics which are not recognized as solely surface transportation. We could all find the basis to severely criticize this procedure and vote against such a measure but the good in this measure certainly out weighs the short comings within it.

I'm voting for this in good faith and with the needs of my state and people in mind. We will be here the next four months and with the mandate of the people some may well return for another term. This isn't a perfect bill but its a good measure and I believe moves forward about as well as we can in the current political environment.

Support H.R. 2400 today and let us keep working for better policy in the future.

Mr. THUNE. Mr. Speaker, I rise today in support of the conference report to H.R. 2400, the Building Efficient Surface Transportation Equity Act (BESTEA) of 1998.

This Act takes us yet one step closer to an important goal: Putting trust back into the Highway Trust Fund. For too many years, the taxes American motorists pay at the pump have been siphoned off from their intended uses to be used for other federal programs. Worthy though those programs may be, the fact is, hard working Americans have been deceived about how the money they pay at the pump is being used. Fortunately, this bill contains a guarantee that motor fuels taxes be used to fund roads, bridges, and mass transits.

Because Congress is honoring this commitment, we have been able to dedicate more funding to important transportation priorities. Those priorities include safety and development programs in addition to general allocation to the States. On the subject of State allocations, I think my colleagues in the House would agree that the conferees deserve praise for balancing the disparate needs and desires of the 50 states.

As always is the case with highway funding bills, regionalism plays a large role than partisanship with forming coalitions. In this case, I would say we have struck an agreeable, if not a perfect compromise that will allow each of our States to continue to maintain and build our surface transportation networks.

Certainly this is the case for States like South Dakota. As you are aware, Mr. Speaker, and Chairman SHUSTER is aware, I was less than satisfied with the funding formula contained in H.R, 2400. Along with several of my colleagues from Western States, I attempted to amend H.R. 2400 in order to recognize the unique needs of sparsely populated States. That amendment, unfortunately, was not accepted by the Transportation and Infrastructure Committee and the funding formula was not amended to our satisfaction. However, I believe it clearly defined our concerns and shed light on our expectations that there be more funding made available to States like South Dakota that have miles of highways but lack the population base to adequately fund those roads. As a result, we have a bill before us now that recognizes the need for a national transportation system and a national system of highways.

It is true that each State and the citizens of each State bear a great deal of the responsibility in meeting their own transportation needs. If each State were solely responsible for funding its transportation, we would be ignoring an irrefutable fact: In order for goods and services to move from Boston and Seattle, they must pass through States like South Dakota. Consequently, people on the Coasts, on the National borders, and in urban centers, use these roads and have an interest in seeing that they are safe for travel. Though it does not provide the funding I would prefer, the bill before us does provide a level of funding that will help ensure middle America allows all areas of the Nation to be connected.

This accomplishment is the result of the hard work of my colleagues who were appointed to the conference committee to negotiate the differences between the House and Senate. Rep. Don Young of Alaska, one of the conferees, certainly understood my concerns. As an At-Large Representative, I was pleased to see that he was named to the conference to work for the interests of sparsely populated but geographically large states like ours.

This bill also is the result of many hours of hard work and dedication of those behind the scenes, including the staff of the Committee on Transportation and Infrastructure. This bill also is the product of the hard work of the men and women at the South Dakota Department of Transportation (SDDOT), who under the direction of Governor William Janklow, Secretary Ronald Wheeler, and Assistant Secretary Jim Jensen, provided invaluable information. And without any question, I and my staff owe much to Richard Howard, SDDOT Director of Intergovernmental Relations. Their hard work helped to ensure the members of this body understood the importance of maintaining a fair formula for South Dakota. They also helped develop important provisions of this bill. I would also like to recognize the hard work put into this legislation by my Legislative Director, Jafar Karim. He put in many long hours on behalf of the people of South Dakota.

One provision of particular importance with help South Dakota meet transit, rural air service, and rail safety needs. The provision will give South Dakota and other States not served by Amtrak the flexibility to use funds made available under the Taxpayer Relief Act of 1997 for the State's highest transportation priorities. I would like to thank Ways and Means Chairman BILL ARCHER, and the conferees for the revenue title of this bill, Rep. KENNY HULSHOF and Rep. JIM NUSSLE, for their support of this provision.

I also want to commend the gentleman from Missouri and the gentleman from Iowa for preserving and protecting the ethanol tax incentives through the year 2007. Though South Dakota and other corn producing States may best understand the benefits of these provisions, the entire Nation benefits from ethanol being a part of our fuel options.

Chairman SHUSTER and Chairman PETRI also deserve thanks for their support of priority projects I submitted on behalf of the State of South Dakota. Through this process, South Dakotans will have a new opportunity to build four lane highways to some of the State's trade centers, such as Aberdeen, Huron, Mitchell, Pierre, and Rapid City. As I have previously stated for the RECORD, these four lanes are the combined vision of former Senator Francis Case and the late Governor George S. Mickelson. These two South Dakota leaders saw the value of connecting our

major population centers to Interstate 90 and Interstate 29 via four-lane highways. I am proud to carry forward that vision.

I also am pleased that the conference granted my request that the bill recognize the Heartland Expressway from Rapid City, South Dakota, to Scottsbluff, Nebraska, and Interstate 29 from Kansas City to the Canadian border, which would include the portion of the highway that runs through South Dakota, as High Priority Trade Corridors. Together these corridors provide important transportation links for the west and east ends of South Dakota. I am hopeful that each will be able to secure a portion of the funds to be made available for High Priority Trade Corridors under this bill.

These projects, and the programs this bill funds, will help South Dakota and the Nation provide the transportation infrastructure necessary to remain competitive into the next century. Clearly, this bill is a slam dunk for the State of South Dakota. Through this act, we will provide for important infrastructure; restore integrity to an important part of the federal budget process; and ensure an equitable national transportation network.

Mr. ARCHER. Mr. Speaker, I stand in reluctant opposition to the conference report on H.R. 2400, the ''Building Efficient Surface Transportation and Equity Act of 1998.''

I am reluctant because the conference report preserves the goals of the House bill to strengthen and enhance our country's transportation needs into the next century. However, the conference report contains a fatal flaw in the revenue title. Its inclusion was preordained before the conference committee was convened. Regrettably, longstanding traditions of the House were ignored to secure an outcome which I adamantly oppose and which forced my decision not to serve on the conference committee.

The objectionable provision relates to a 20-year-old subsidy for ethanol which the conference report extends through year 2007. The extension was included despite overwhelming opposition by the Ways and Means Committee and, I believe, by a majority of the House of Representatives. A study by the General Accounting Office concluded that ethanol has had no discernible effect on environmental quality and America's energy security. Furthermore, half of the benefits from this inappropriate subsidy flows to a single company. Editorials in papers from all parts of the country, including the corn-growing Mid-West, have registered opposition to the extension of this outdated and reckless subsidy. Copies of some of these editorials are included below.

The bill as approved by the House would have allowed the ethanol credit to sunset in 2000 as provided under current law and instead provide meaningful tax relief and benefits to highway users, barges and railroads, as well as to millions of boaters and fishermen who enjoy our lakes, rivers and shores. Unfortunately, most of this House relief has now been siphoned off by the seven year extension of the subsidy contained in the conference report.

We now have before us an agreement which turns a deaf ear to those who want to eliminate inappropriate subsidies and reduce the size of government. In conclusion, the process has been wronged. Worse, the taxpayer has been wronged. I have no choice but to oppose the conference report.

WRONG WAY ON ETHANOL

House Ways and Means Committee Chairman Bill Archer has declined to serve as a conferee on the highway bill and says he'll vote against it, not for reasons having to do with highways but because party leaders have stacked the conference committee in favor of subsidizing ethanol. The chairman opposes the 20-year-old ethanol subsidy as ineffectual and a giveaway to the corn producers from whose crop the gasoline extender is made, as well as to the Archer Daniels Midland Corp., the principal manufacturer.

He is right on the merits, but this is one where the merits don't count. The Ways and Means Committee voted 22 to 11 to let the subsidy lapse when it is supposed to expire in two years. But the Senate voted to extend it. The Democrats, in the form of the Clinton administration and House Minority Leader Dick Gephardt, both support extension, and so, it turns out, does House Speaker Newt Gingrich. The speaker said he'd be pleased to name Mr. Archer a conferee, as custom dictates, but only if he is flanked by two other Ways and Means members prepared to out vote him on the issue. Rather than serve as a cipher, Mr. Archer withdrew.

The subsidy was enacted as part of the patchy national response to the energy crisis in the 1970s. The manufacturers receive income tax credits; the gasoline tax is also lower on gasohol—gasoline mixed with ethanol—than on the conventional product. The idea was to reduce both U.S. dependence on foreign oil and air pollution from the burning of fossil fuels. But the General Accounting Office concluded last year that at best ethanol has made only a marginal contribution to the achievement of either goal. Mostly, the subsidy helps prop up corn prices by adding a little to demand. The higher corn price may mean slightly higher beef and chicken prices than otherwise, since the corn is used for feed. ADM, which happens over the years to have been a major source of campaign contributions to members of both parties, likewise prospers.

It's not clear that gasoline extended by ethanol could be produced at a competitive price without the subsidy. Mr. Archer is willing to face that, and ''at a time when we should eliminate inappropriate subsidies,'' thinks his colleagues should be, too.

[From Rapid City Journal]

ETHANOL TAX BREAK OUTDATED

The ethanol industry is mature enough to outlast its tax subsidy.

Since the Arab oil embargo of the 1970s and its resulting energy crisis in the United States, the demand for self-sufficiency in energy production inspired several taxpayer-assisted ventures.

The most well-known is the production of ethanol from fermented corn, an alcohol that is blended with gasoline. Since 1978, when ethanol production was less than 50 million gallons, the industry has grown to produce about 1.5 billion gallons in 1997. Along the way, a tax credit that costs Americans a little more than $800 million a year has been the principal assist for an industry that can't support itself without the subsidy.

Supporters of the subsidy say it's needed in order to convince investors that major capital allocations to ethanol producing plants are a reasonably safe bet, thereby employing workers in corn belt regions and giving corn producers an extra market for their product. The benefits to the rest of the country, says the American Coalition for Ethanol, are both strategic, in that foreign demand for oil is reduced, and environmental, in that cleaner air is the result of adding ethanol to gasoline.

It sounds great, but we disagree. Subsidies to ethanol have long since outlived their original intent, which was to help a fledgling industry that held some promise for energy self-sufficiency get off the ground. Annual production of 1.5 billion gallons, which consumes between 5 percent to 10 percent of the country's corn crop, suggests the industry has matured and should be able to make it on its own.

Ethanol backers retort that the petroleum industry gets subsidies, therefore so should they. On reviewing a list of petroleum industry tax breaks provided to us by ethanol spokesmen, tax experts we consulted tell us that the bulk of the so-called petroleum subsidies—principally tax credits for conducting business overseas and accelerated depreciation allowances—are available to every multi-national business, as well as every company that owns machinery and equipment. If the ethanol industry went multi-national, it, too, would get the same tax treatment.

The ethanol industry also lumps in military costs in the Persian Gulf as federal spending on oil, claiming the military cost adds as much as 20 cents a gallon to the final price of gasoline. We think the argument is specious. Even if ethanol production in this country were to double, as its backers hope, it would hardly make a dent in America's demand for cheap foreign oil. Besides, maintaining order in the Gulf is not tied exclusively to protecting the flow of oil.

As to environmental claims, researchers in recent years have been calling ethanol's benefits into question. A 1993 report by the University of Colorado in Chemical and Engineering News reported that EPA-mandated use of ethanol along Colorado's Front Range had a statistically insignificant impact on air quality. And the National Academy of Science's Douglas Lawson, lead author of a comprehensive study on oxygenated fuels, told Forbes Magazine a year ago that EPA policies mandating ethanol ''may not be cost-effective or may be ineffective.'' Other studies are equally dubious about ethanol's purported environmental benefits.

We're also leery of the additional costs that will be borne by livestock producers, who could pay more for corn if ethanol production reached hope-for levels.

In a free-market world, we have no argument with ethanol, per se, but we believe that if it is indeed a product of such many-sided benefits, private sector resources will eagerly pursue a chance to get in on it.

American taxpayers have already given it as much of a boost as they should.

Mr. POSHARD. Mr. Speaker, I rise today in support of the conference report on reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). When I voted for passage of H.R. 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA) on April 1 of this year, I did so because it was a good bill for Illinois. Although that is not entirely true of the conference report, I will vote in favor of it because it contains some important provisions and will allow us to complete many desperately-needed projects.

Prior to passage of the original ISTEA bill, Illinois received only 93 cents for every gas tax dollar it sent to the federal treasury. As a

member of the Transportation and Infrastructure Committee then and now, I worked hard to bring equity to this relationship, and this effort was successful. ISTEA returned $1.03 to Illinois for each tax dollar. H.R. 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA), of which I am a cosponsor, pledged to provide the Land of Lincoln over a billion dollars annually over the next six years and maintain this return. However, the conference report is a significant setback from this progress. It returns my state to donor status, at 92 cents for every dollar in gas taxes, and reduces Illinois' annual return significantly.

Nonetheless, the conference report earmarks funding for several transportation projects in the 19th Congressional District which will greatly benefit my constituents. We must have the funds to follow through with these contracts or risk losing an entire construction season. In addition, I am pleased that the state of Illinois has been guaranteed hundreds of millions of dollars in discretionary funding for critical projects, including construction on the Stevenson Expressway and Wacker Drive in Chicago. These funds will be crucial in improving conditions in the Chicago area. The bill also provides for increased transit funding, establishes an access-to-jobs initiative which will assist those making the transition from welfare to work, and gives Illinois 29% more funding that under the original 1991 ISTEA legislation.

The conference report extends the federal tax credit for ethanol until the year 2007, which I have fiercely advocated for over the years. This is sound policy that will help American agriculture and the environment, benefit consumers, and reduce our dependence on foreign oil. Unfortunately, the final version of this legislation does not contain House-passed provisions relating to the intrastate transportation of agricultural products, such as fertilizers, pesticides, and fuels. For two years, I have fought with Representatives EWING, BARCIA, and BUYER, and other supporters to allow states to maintain their current exceptions to federal regulations that would overburden our family farmers with costly compliance fees. Another opportunity to address this reality is not likely before the end of this Congress, and I wish the outcome had been different. I am pleased that a portion of the offset moneys will be used for veterans' education and disability programs, and I will continue to work on behalf of America's veterans in every way I can.

No, this conference report is not perfect, but I nonetheless urge my colleagues to vote in favor of it. I have strongly supported this process since its inception, and truly believe the ISTEA framework has been successful. There are far too many critical projects and programs that must be funded immediately, and we can ill afford to allow this reauthorization process to continue any longer. I am proud of my work as a member of the Transportation and Infrastructure Committee in helping to craft this next incarnation of ISTEA, and I look forward to its passage.

Mr. FROST. Mr. Speaker, Title III of the Conference Report to accompany H.R. 2400 contains project authorizations in section (c)(1) making $3,000,000,000 available for fiscal years 1998 through 2003 for a variety of projects. Included in this section is authorization for the Dallas North Central Light Rail Transit Extension in the amount of $188 million. I am taking this opportunity to thank the conferees for making these funds available, but I would also like to take this opportunity to reiterate the position of the Dallas Area Rapid Transit regarding the full federal share of this project.

DART originally requested $333 million as the federal share for fulfillment of the Full Funding Grant Agreement that has been under negotiation between DART and the Federal Transit Administration. During these negotiations, FTA indicated its commitment to proceed with the implementation of the project by the issuance of a Letter Of No Prejudice. It is important to note that it is DART's understanding that the $188 million authorized in the conference report to accompany H.R. 2400 is a floor and not a ceiling and that the full $333 million will be made available for the federal share to ensure the completion of this project which has been the subject of the negotiations between DART and FTA.

Mr. BOEHLERT. Mr. Speaker, I rise today in strong support of Tea-21—a legislative package I refer to as ''Green Tea.'' This is the most significant piece of environmental legislation passed in the 105th Congress. ''Green Tea'' provides billions of dollars to improve the quality of our nation's air through the Congestion Mitigation Air Quality (CMAQ) program. As we work to improve air quality CMAQ will prove to be one of our most valuable tools.

''Green Tea'' dramatically increases our commitment to transit programs which are critical to improving our environment and relieving the commuter congestion that chokes our urban centers. This legislation secures $41 billion for transit over the next six years.

''Green Tea'' continues the enormously successful Transportation Enhancement program. This program has built bike paths and preserved historic transportation structures across the country.

''Green Tea'' promotes the use of electric and natural gas vehicles—an important step toward reducing green house gases.

In crafting ''Green Tea'' Chairman SHUSTER worked closely with the environmental community to produce a bill that will improve America's infrastructure and our environment.

Mr. BURTON of Indiana. Mr. Speaker, due to circumstances beyond my control, I am unable to cast my vote for the Building Efficient Surface Transportation and Equity Act (H.R. 2400) Conference Report. If I were able to vote on the conference report, I would vote in the affirmative. This legislation is vital to restoring integrity to the Highway Trust Fund, and funding equity to the several States.

While the issue of transportation infrastructure may not seem glamorous, it takes on a compelling National interest when economic growth is restricted, and our valuable time is wasted by crushing traffic jams, potholed and dangerous roads, and a crumbling National transportation infrastructure. The Conference Report on H.R. 2400 is landmark legislation that affirms the Federal government's commitment to a strong, modern, and safe transportation infrastructure.

This legislation restores the integrity of the Highway Trust Fund; it has the support of business and labor, contractors and environmentalists, safety groups, and State and local governments alike; it addresses many of the concerns of Hoosiers by returning a greater portion of the money collected by motor vehicle excise taxes to Indiana for much-needed infrastructure investment. Equally as important, BESTEA gives States and localities the ability to decide how and where transportation dollars should be spent.

Again, Mr. Speaker, if I were able to vote on the conference report, I would vote in the affirmative. It is crucial that the Congress restore integrity to the Highway Trust Fund and ensure funding equity to the several States.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. I most certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves to recommit the Conference Report on the bill, H.R. 2400, to the Committee of Conference with instructions to the managers on the part of the House to strike those provisions of the Conference Report that prohibit or reduce service-connected disability compensation to veterans relating to use of tobacco products.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the conference report.

The vote was taken by electronic device, and there were—yeas 190, nays 195, not voting 49, as follows:

[Roll No. 191]

YEAS—190

Aderholt	Boswell	Clayton
Baesler	Boyd	Coburn
Baker	Brady (TX)	Condit
Ballenger	Brown (OH)	Costello
Barr	Bunning	Crane
Barrett (NE)	Campbell	Crapo
Barrett (WI)	Canady	Cunningham
Bartlett	Cannon	Davis (FL)
Barton	Capps	Deal
Becerra	Cardin	DeGette
Bentsen	Carson	Delahunt
Berman	Castle	Dicks
Bilbray	Chabot	Doggett
Bilirakis	Chambliss	Dooley
Bishop	Chenoweth	Edwards
Bonilla	Christensen	Emerson

Engel
English
Ensign
Eshoo
Etheridge
Evans
Fox
Gejdenson
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Gutierrez
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hill
Hilleary
Hinchey
Hobson
Hoyer
Hulshof
Inglis
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kind (WI)
Kleczka
LaFalce
Lampson
Lantos
Largent
Leach
Lewis (GA)
Lewis (KY)
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
McCarthy (MO)
McCollum
McDermott
McGovern
McHale
McIntosh
McIntyre
McNulty
Metcalf
Miller (FL)
Minge
Moakley
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Norwood
Obey
Olver
Pappas
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Regula
Rivers
Rodriguez
Rogan
Roukema
Roybal-Allard
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sisisky
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Souder
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Stupak
Talent
Tanner
Taylor (MS)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Tierney
Turner
Watkins
Watts (OK)
Waxman
Weldon (PA)
Weygand
Whitfield
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baldacci
Barcia
Bass
Bereuter
Berry
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Bryant
Buyer
Calvert
Camp
Clay
Clement
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Danner
Davis (IL)
Davis (VA)
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Everett
Ewing
Farr
Fattah
Filner
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gingrich
Goodling
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Herger
Hilliard
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Kanjorski
Kilpatrick
Kim
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Linder
Lipinski
Livingston
LoBiondo
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McHugh
McInnis
McKeon
McKinney
Meek (FL)
Menendez
Mica
Millender-McDonald
Mink
Moran (KS)
Murtha
Nadler
Ney
Northup
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Paxon
Payne
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Radanovich
Rahall
Ramstad
Redmond
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Ryun
Saxton
Schaefer, Dan
Serrano
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (TX)
Snowbarger
Snyder
Solomon
Spence
Stokes
Sununu
Tauscher
Tauzin
Thune
Traficant
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Weldon (FL)
Weller
White
Wise

NOT VOTING—49

Archer
Bateman
Blunt
Boucher
Burr
Burton
Callahan
Conyers
DeFazio
Deutsch
Fawell
Fazio
Foley
Furse
Gephardt
Gonzalez
Graham
Green
Harman
Hefley
Hoekstra
Hyde
Johnson, Sam
King (NY)
Kingston
Lofgren
McCrery
McDade
Meehan
Meeks (NY)
Miller (CA)
Mollohan
Neal
Parker
Quinn
Rangel
Reyes
Riggs
Royce
Sanford
Skaggs
Smith (OR)
Stenholm
Taylor (NC)
Torres
Towns
Wamp
Wexler
Wicker

☐ 1757

Mr. PETERSON of Pennsylvania changed his vote from ''yea'' to ''nay.''

Messrs. ADAM SMITH of Washington, STRICKLAND, BRADY of Texas, JEFFERSON, WEYGAND, YOUNG of Alaska, Mrs. KELLY, and Messrs. ENGEL, SMITH of Michigan, MCGOVERN, MANTON, MARTINEZ, WYNN, INGLIS of South Carolina and Mrs. CLAYTON changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. QUINN. Mr. Speaker, due to family obligations I was unavoidably detained from several roll call votes today. Had I been present, I would have voted no on roll call votes 187, and 188. I would have voted yes on roll call vote 189, 190 and 191.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 297, noes 86, not voting 50, as follows:

[Roll No. 192]

AYES—297

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Bass
Becerra
Bereuter
Berry
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Buyer
Calvert
Camp
Cannon
Capps
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Mink
Moakley
Moran (KS)
Murtha
Nadler
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Poshard
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snowbarger
Snyder
Solomon
Spratt
Stabenow
Stearns
Stokes
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thune
Tiahrt
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wise
Woolsey
Wynn
Young (AK)

NOES—86

Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentsen
Berman
Bilbray
Bilirakis
Bishop
Boehner
Bonilla
Boyd
Brown (OH)
Campbell
Canady
Cardin
Castle
Chabot
Chenoweth
Christensen
Coburn
Cox
Crane

Deal	Largent	Sensenbrenner
Dicks	Lewis (GA)	Sessions
Edwards	Maloney (NY)	Shadegg
Emerson	McCollum	Shays
Eshoo	McNulty	Smith, Adam
Frelinghuysen	Miller (FL)	Smith, Linda
Gilman	Minge	Souder
Goss	Moran (VA)	Spence
Hall (TX)	Morella	Stark
Hastings (FL)	Myrick	Strickland
Hastings (WA)	Nethercutt	Stump
Hayworth	Obey	Taylor (MS)
Herger	Paul	Thornberry
Hobson	Porter	Thurman
Hoyer	Portman	Tierney
Hunter	Price (NC)	Waxman
Inglis	Rohrabacher	White
Jones	Roukema	Wolf
Kasich	Sabo	Yates
Kennedy (RI)	Salmon	Young (FL)
Kolbe	Schaffer, Bob	

NOT VOTING—50

Archer	Green	Quinn
Bateman	Harman	Rangel
Blunt	Hefley	Reyes
Boucher	Hoekstra	Riggs
Burr	Hyde	Rogers
Burton	Johnson, Sam	Royce
Callahan	King (NY)	Sanford
Conyers	Kingston	Skaggs
DeFazio	Lofgren	Smith (OR)
Deutsch	McCrery	Stenholm
Dixon	McDade	Taylor (NC)
Fawell	Meehan	Torres
Fazio	Meeks (NY)	Towns
Foley	Miller (CA)	Wamp
Furse	Mollohan	Wexler
Gonzalez	Neal	Wicker
Graham	Parker	

□ 1807

The Clerk announced the following pairs:

On this vote:

Mr. Green for, with Mr. Sam Johnson of Texas against.

Mr. Wicker for, with Mr. Parker against.

Mr. Wamp for, with Mr. Sanford against.

Mr. McDade for, with Mr. Kingston against.

Mr. Burton for, with Mr. Archer against.

Mr. Quinn for, with Mr. Burr of North Carolina against.

Mr. TIERNEY changed his vote from ''aye'' to ''no.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GRAHAM. Mr. Speaker, I would like to state that had I been present during the vote on the conference report for H.R. 2400, Building Efficient Surface Transportation and Equity Act, I would have voted ''no'' on the conference report.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 99. Concurrent resolution authorizing the flying of the POW/MIA flag.

CORRECTING ENROLLMENT OF H.R. 2400, TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

Mr. SHUSTER. Mr. Speaker, I offer a concurrent resolution (H.Con.Res. 282) correcting the enrollment of H.R. 2400, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. PEASE). The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 282

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 2400 the Clerk of the House of Representatives shall make the following corrections:

(1) In the table contained in section 1602 of the bill—

(A) strike item 166, relating to Macomb County, Michigan, and insert the following:

No.	State	Project description	[Dollars in Millions]
166.	Michigan	Improvements to Tenth Street (Port Huron)	1.8;

(B) after item 1850 insert the following:

No.	State	Project description	[Dollars in Millions]
1851.	Michigan	Bridge-to-Bay bike path, St. Clair County	0.450;

(C) in item 755, relating to Cross Seminole Trail, Florida, strike ''1.25'' and insert ''1.5'';

(D) in item 902, relating to St. Johns River Bridge, Florida, strike ''10.5'' and insert ''14.0'';

(E) by striking item 242, relating to magnetic lane marking for I–4, Florida, and item 1065, relating to US 1792 in Volusia County, Florida;

(F) in item 702, relating to I–4 in Orlando, Florida, by striking ''10.5'' and insert ''10.0'';

(G) in item 770, relating to US–17/92 in Volusia County, Florida, striking ''1.35'' and insert ''1.0'';

(H) in item 789, relating to construction of interchange, Orange County, Florida, strike ''2.0625'' and insert ''1.0'';

(I) in item 635, relating to Florida National Scenic Trail, strike ''1.875'' and insert ''2.15''; and

(J) in item 1383, relating to improvements to Alden Road, Florida, strike ''0.525'' and insert ''0.35''; and

(2) in section 1212 by striking subsection (v) and inserting the following:

'' (v) BOUNDARY WATERS CANOE AREA.—Effective January 1, 1999, section 4 of the Act of October 21, 1978 (Public Law 95–495) is amended—

'' (1) by striking subsection (g) and inserting the following:

'(g) Nothing in this Act shall be construed to prevent the operation of motorized vehicles to transport boats across the portages between the Moose Lake Chain and Basswood Lake, Minnesota, and between Vermilion Lake and Trout Lake, Minnesota.'; and

'' (2) in subsection (c)(2) by striking '; Alder, Cook County; Canoe, Cook County'''

On page 1A-71 line 22, insert after system ''$10,000,000 of such amounts shall be available to the State of Alabama for fiscal year 1999 and 2000''.

On page 1B–129, line 10, insert:

''(g)(1) The Secretary shall provide $10 million for construction of highway 323 between Alzado and the vicinity of Ekalaka, Montana.

''(2) Funds made available shall be available for obligation in the same manner as if funds had been appropriated under Chapter 1 of Title 23.

''(h)(1) The Secretary shall provide $1.125 million for construction of Third Street North, CSAH 81, Waite Park.

''(2) Funds made available shall be available for delegation in the same manner as if funds had been appropriated under Chapter 1 of Title 23.''.

Mr. SHUSTER (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 1 hour.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is simply to correct some mistakes that were in the bill, inadvertent mistakes in the bill.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I concur with the statement of the gentleman from Pennsylvania (Mr. SHUSTER) that this does correct inadvertent omissions that were made and errors in the tabulation of the bill and support the unanimous consent.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany the bill, H.R. 2400.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R.1385, EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1385) to consolidate, coordinate and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment thereto, disagree to the Senate amendment,

and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: For consideration of the House bill and Senate amendment and modifications committed to conference Messrs. GOODLING, MCKEON, RIGGS, GRAHAM, BOB SCHAFFER of Colorado, CLAY, MARTINEZ, and KILDEE.

There was no objection.

DESIGNATION OF HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 3, 1998

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 1998.

I hereby designate the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 3, 1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

DISPLAYING POW/MIA FLAG AT THE CAPITOL

Mr. PETRI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 99) to display the POW/MIA flag at the Capitol Sunday, May 24, 1998, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read as follows:

S. CON. RES. 99

Resolved by the Senate (the House of Representatives concurring), That, for the purpose of section 1082(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 1998, the display of the POW/MIA flag at the Capitol shall begin at 6:30 p.m. on Sunday, May 24, 1998. As used in this section, the term ''POW/MIA flag'' has the same meaning as in section 1082 of such Act.

SEC. 2. The Architect of the Capitol may prescribe regulations with respect to the first section of this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, JUNE 3, 1998

Mr. PETRI. Mr. Speaker, I ask unanimous consent that on Wednesday, June 3, 1998, the Speaker be authorized to entertain motions to suspend the rules and pass the following:

H.R. 2604—Religious Liberty and Charitable Donation Protection Act of 1997;

H.R. 3504—John F. Kennedy Center for the Performing Arts Authorization Act;

H.R. 3808—Designating the Carl D. Pursell U.S. Post Office;

H.R. 3630—Designating the Steven Schiff Post Office;

H.R. 2798—Designating the Nancy B. Jefferson Post Office;

H.R. 2799—Designating the Reverend Milton R. Brunson Post Office Building.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION FOR COMMITTEE ON BUDGET TO HAVE UNTIL MIDNIGHT WEDNESDAY, MAY 27, 1998, TO FILE REPORT ON A CONCURRENT RESOLUTION ON THE BUDGET

Mr. PETRI. Mr. Speaker, I ask unanimous consent that the Committee on the Budget have until midnight Wednesday, June 27, 1998, to file a privileged report on a concurrent resolution on the budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. DOOLEY of California asked and was given permission to address the House for 1 minute.)

Mr. DOOLEY of California. Mr. Speaker, I take this time in order to inquire about the schedule for the week we return.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce we have concluded legislative business for the week. Next week, the House will not be in session due to the Memorial Day district work period.

The House will next meet on Wednesday, June 3, at 2:00 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices.

On Wednesday, we also hope to consider H.R. 3433, the Ticket to Work and Self-Sufficiency Act of 1998, under a rule.

Members should note that we do not expect any recorded votes before 5:00 p.m. on Wednesday, June 3.

The House will meet at 10:00 a.m. on Thursday, June 4, and 9:00 a.m. on Friday, June 5, to take up the following legislation:

H.J.Res. 78—A resolution proposing an amendment to the Constitution of the United States restoring religious freedom; and a concurrent resolution on the budget for fiscal year 1999.

Next week, the House will also continue consideration of H.R. 2183, the Bipartisan Campaign Integrity Act of 1997.

Mr. Speaker, we hope to conclude legislative business for the week by 2:00 p.m. on Friday, June 5.

I thank the gentleman from California (Mr. DOOLEY) for yielding me the time.

□ 1815

Mr. DOOLEY of California. Mr. Speaker, if I can further inquire, I know there is a lot of interest on both sides of the aisle for when we would, once again, revisit the agricultural research bill. I was interested if the gentleman has any plans on when that might come before the House.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for asking. Of course we are all concerned about getting this matter resolved as soon as possible on behalf of the concerns we had among our American farmers. We are working on that, and I can say that it is my hope that we may be able to do it possibly in the week we return, the week of June 3.

REPORT ON INVESTIGATION OF WHEREABOUTS OF U.S. CITIZENS WHO HAVE BEEN MISSING FROM CYPRUS SINCE 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

In accordance with Public Law 103–372, I hereby submit the enclosed ''Report to Congress on the Investigation of the Whereabouts of the U.S. Citizens Who Have Been Missing from Cyprus Since 1974.'' The report was prepared by retired Ambassador Robert S. Dillon, with significant contribution by former State Department Associate Director of Security Edward L. Lee, II. Their intensive investigation centered on Cyprus, but it followed up leads in the United States, Turkey, Greece, Switzerland, and the United Kingdom.

The investigation led to the recovery of partial remains that were identified through DNA testing (done at the Armed Forces Institute of Pathology DNA Identification Laboratory) and other evidence as being those of one of the missing Americans, Andreas Kassapis. The report concludes that Mr. Kassapis was killed shortly after

his capture in August 1974. The report also concludes that, although their remains could not be recovered, the other four missing U.S. citizens in all likelihood did not survive the events in Cyprus in July and August 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 1998.*

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 3, 1998

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 3, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE NOTWITHSTANDING ADJOURNMENT

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, June 3, 1998, the Speaker, majority leader, and minority leader be authorized to accept resignations and make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the gentlewoman from New York?

There was no objection.

RESPONSE OF LORAL CORPORATION TO ALLEGATIONS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am holding in my hand a copy of the Loral Corporation's 2-page statement in response to allegations that Loral gave sensitive information to Communist China. This statement is stunning in its claim of innocence.

While the statement may be factually accurate, what is stunning and misleading is what is left out, what Loral does not say, and most of all the questions which remain unanswered. I urge every Member of this body, Democrats and Republicans alike, to read this statement by Loral and ask themselves if they are satisfied with its replies. Ask themselves the following questions:

Is Loral arguing that its review of the China rocket failures did not help the Communist Chinese government perfect its Long March missile?

Does Loral explain why it released its report to the Chinese before seeking approval from the State Department?

Does Loral fail to mention that high-technology transfers were under criminal investigation at the Justice Department for previous technology transfers to Communist China at the time of President Clinton's February 19, 1998, waiver?

Loral must come forward and provide more answers than these.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

(Mr. EDWARDS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 5 minutes.

(Mr. HUTCHINSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington (Mrs. LINDA SMITH) is recognized for 5 minutes.

(Mrs. LINDA SMITH of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE SITUATION IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, this afternoon I received the following message from Jason Miko with Mercy Corps International on the situation in Kosovo.

A Mother Theresa Society convoy of food aid was stopped and the aid was confiscated by the Yugoslav police forces on a road between Prishtina and Schtime. The four-truck convoy, three 10-ton trucks, one 5-ton truck, and one Range Rover, belonging to Mercy Corps, an international relief agency, and driven by Mercy Corps staff, was held by the police.

The convoy was destined for the Mother Theresa Society warehouse in Schtime when it was stopped at a police check point, police, called the financial/marketing police, which is another branch within the government, who came from a nearby town. The convoy was then impounded. The police told them to come back next Tuesday and took their documents, which were in order, without giving them a receipt for the food aid or the documents.

Mr. Speaker, that food aid is probably lost forever, and, meanwhile, the ethnic Albanian population in Kosovo continues to suffer from the oppression of Serbian President Milosevic. The incidents I have described are but the latest example of that oppression.

Earlier this week, there were new reports of rapidly escalating acts of violence and murder perpetuated by Serbian military and police forces in Kosovo against innocent, defenseless civilians, including women and children.

These actions represent a serious setback to achieving a lasting peace in Kosovo, as well as a major obstacle to any negotiations on easing the sanctions against the Federal Republic of Yugoslavia.

I understand that there are two sides to the dispute in Kosovo, but cultural or historic differences should not be an excuse for bombing defenseless villages and schools and killing innocent people who want nothing more than to live and raise their families in peace and security, while having a say in their government.

Mr. Speaker, Milosevic must stop his military campaign against the ethnic Albanians in Kosovo. He must negotiate a lasting and peaceful solution that recognizes the rights of all Kosovans.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SANCHEZ) is recognized for 5 minutes.

(Ms. SANCHEZ addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

(Mrs. MORELLA addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

(Mr. BERRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TECHNOLOGY TRANSFERS JEOPARDIZE NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to spend the last few moments before we break for the Memorial Day work period to discuss an issue that has been in the national news this week and that has occupied the minds of most of our colleagues in this body and the other body; and that is the issue of proliferation.

We have seen a lot of discussion in the national media about the most recent transfer of technology from American corporations, most specifically the Loral Corporation, the Hughes Corporation, to China that may, in fact, jeopardize our national security and pose threats to us.

The issue of proliferation, Mr. Speaker, is not a new one. In fact, a week and a half ago, on May 13, I did a 40-minute special order on this floor where I documented in the public record 37 specific cases over the past 6 years of proliferation by Russia and China to Iran, Iraq, to India and Pakistan.

At that time, I said to our colleagues, Mr. Speaker, that we must take more aggressive action in imposing sanctions and enforcing requirements provided in our arms control agreements.

This week, Mr. Speaker, we have seen some of the results of that lack of inaction in enforcing those arms control agreements. In fact, we have seen the escalation of the conflict and the rhetoric and saber rattling between India and Pakistan.

Much of that technology, Mr. Speaker, that both of those Nations now have came from both Russia and China. We should have and could have stopped that proliferation. Iran and Iraq are both now developing medium range missiles. Iran will have one within 12 to 18 months. Again that technology came from Russia.

Again, our action should have been able to stop it. The Congress is talking about proliferation. And the White House, through spokesman Mike McCurry, has basically said it is a knee-jerk reaction, that the Congress is now voting as we did yesterday on the defense authorization bill to limit the transfer of technology to China.

I would remind the White House, Mr. Speaker, that it was back in November of last year that this Congress voted overwhelmingly with almost 400 votes to force the administration to impose sanctions on Russia because of transfers to Iran.

Mr. Speaker, this is a serious issue, but I want to leave our colleagues with two important points. First of all, let us make sure that when we impanel this special task force, the select committee, after we return from the break, that we do not politicize it.

The issue is national security. We must focus in a very deliberate way on what damage has been caused by the most recent transfer of technology by the Loral Corporation to China. We must not allow this special select committee to be politicized by either side of the aisle.

Secondarily, Mr. Speaker, we must remember that, while we must investigate whether or not the Chinese government deliberately try to acquire this technology and circumvent our laws, we must not rush to judgment, because trade with China is critical and important.

My concern is that we not overreact, overreacting then causing further isolation in our relationships with China.

Mr. Speaker, we saw a situation like this occur just a few short years ago when the President initially refused to grant a waiver for a visa for Taiwan President Li Teng-hui to come speak at his alma mater at Cornell. The day after that rejection by the administration, the Congress overwhelmingly voted in both bodies to overturn the President and allow President Li Teng-hui to come here, as I think he should have been able to do.

The problem is that we sent mixed signals to China. China read that as a deliberate slap in their face. That then partially led to the escalation of what could have been a very serious conflict as we sent our carrier battle groups up on the straits of Taiwan.

We do not need another confrontation with China. We must get to the bottom of what happened in the Loral technology transfer. We must have Members on both sides of the aisle who are serious sit down behind closed doors and assess whether or not our security has been jeopardized.

When we are done, if, in fact, it has been jeopardized, we must then determine why the administration took the actions they took. We must then take steps to deal with the results of what we have found. Until that happens, we must reserve our rhetoric; we must make sure that we base our decisions on fact.

I would encourage our colleagues to think carefully about this over the break because, when we return in June, this will be the major issue that will be the focus of this body and the Nation through the rest of this summer.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN (at the request of Mr. GEPHARDT) for today, on account of family business.

Mr. REYES (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. BURR of North Carolina (at the request of Mr. ARMEY) for today after 2 p.m., on account of illness in the family.

Mr. QUINN (at the request of Mr. ARMEY) for today, on account of family reasons.

Mr. RIGGS (at the request of Mr. ARMEY) for today after 9:15 a.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Ms. JACKSON-LEE of Texas for 5 minutes today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. HEFNER for 5 minutes today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. HAYWORTH.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. BLUMENAUER.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. WHITFIELD, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. DOOLEY of California) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

(The following Members (at the request of Mrs. KELLY) to revise and extend their remarks and include extraneous material:)

Mrs. LINDA SMITH of Washington, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 73. Concurrent resolution expressing the sense of Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union;

To the Committee on Ways and Means.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, pursuant to Senate Concurrent Resolution 98, 105th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 98 of the 105th Congress, the House stands adjourned until 2 p.m. on Wednesday, June 3, 1998.

Thereupon (at 6 o'clock and 27 minutes p.m.), pursuant to Senate Concurrent Resolution 106, the House adjourned until Wednesday, June 3, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9270. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

9271. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Phoenix, Arizona Ozone Nonattainment Area, 15 Percent Rate of Progress Plan and 1990 Base Year Emission Inventory [AZ–005–ROP FRL–6101–9] received May 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9272. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Florida [Fl-071–9810a; FRL–6015–4] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9273. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada; Nevada Division of Environmental Protection; Washoe County District Health Department [FRL–6014–5] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9274. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule— Food Labeling; Nutrient Content Claims-General Provisions [Docket No. 98N–0283] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9275. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Revocation of Lather Brushes Regulation [Docket No. 97P–0418] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9276. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Petitions for Nutrient Content and Health Claims, General Provisions [Docket No. 98N–0274] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9277. A letter from the Deputy Secretary, Securities And Exchange Commission, transmitting the Commission's final rule—Amendments to Rules on Shareholder Proposals [Release No. 34–40018; IC–23200; File No. S7–25–97] (RIN: 3235–AH20) received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9278. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 98–33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9279. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Australia (Transmittal No. RSAT–3–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9280. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 51–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9281. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 57–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9282. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 53–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9283. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Germany and Kuwait (Transmittal No. DTC 56–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9284. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Saudi Arabia (Transmittal No. DTC 31–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9285. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

9286. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

9287. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9288. A letter from the Administrator, General Service Administration, transmitting a report of activities under the Freedom of Information Act from January 1, 1997 to September 30, 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

9289. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Redesignation Of 30 CFR Part 250—Oil And Gas And Sulphur Operations In The Outer Continental Shelf (RIN: 1010–AC45) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9290. A letter from the Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—National Estuarine Research Reserve System Regulations [Docket No. 980427108–8108–01] (RIN: 0694–AL16) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9291. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List a Distinct Population Segment of Atlantic Salmon (Salmo Salar) As Threatened (RIN: 1018–AD12) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9292. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule—Magnuson-STEVENS Fishery Conservation and Management Act Provisions; Observer Health and Safety [Docket No. 970829214–8090–02; I.D. 082097B] (RIN: 0648–AJ76) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9293. A letter from the Executive Director of Government Affairs, Non Commissioned Officers Association, transmitting the annual report of the Non Commissioned Officers Association of the United States of America, pursuant to Public Law 100—281, section 13 (100 Stat. 75); to the Committee on the Judiciary.

9294. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's ''Major'' final rule—Tax forms and instructions [Revenue Procedure 98–36] received May 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 872. A bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes; with an amendment (Rept. 105–549 Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee of Conference. Conference report on H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs,

and for other purposes (Rept. 105–550). Ordered to be printed.

Mr. COBLE: Committee on the Judiciary. H.R. 2281. A bill to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty; with an amendment (Rept. 105–551 Pt. 1). Ordered to be printed.

Mr. MCINNIS: Committee on Rules. House Resolution 449. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (Rept. 105–552). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 450. Resolution providing for consideration of the bill (H.R. 3433) to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaningful opportunities to return to work and to extend Medicare coverage for such beneficiaries, and to amend the Internal Revenue Code of 1986 to provide a tax credit for impairment-related work expenses (Rept. 105–553). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3035. A bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; with an amendment (Rept. 105–554 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on House Oversight discharged from further consideration of H.R. 1704.

Pursuant to clause 5 of rule X the Committee on Resources discharged from further consideration of H.R. 3035.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 2281. A bill to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty; with an amendment; referred to the Committees on Commerce, and Ways and Means for a period ending not later than June 19, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdictions of those committees pursuant to clause 1(e) and (s), rule X, respectively.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 872. Referral to the Committee on Commerce extended for a period ending not later than July 14, 1998.

H.R. 1704. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than June 4, 1998.

H.R. 3035. Referral to the Committee on Agriculture extended for a period ending not later than June 3, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HERGER (for himself, Mr. MCCRERY, Ms. DUNN of Washington, Mr. CHRISTENSEN, Mr. SAM JOHNSON, Mr. HULSHOF, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. LEWIS of Kentucky, Mr. WHITFIELD, Mr. BARR of Georgia, Mr. DICKEY, Mr. MCINTOSH, Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. JONES, Mr. WELDON of Florida, Mr. PITTS, Mr. SUNUNU, Mr. CAMPBELL, Mrs. ROUKEMA, Mr. GIBBONS, Mr. HANSEN, Mr. LARGENT, and Mr. SALMON):

H.R. 3945. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the unified credit against the estate and gift taxes; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Mr. BLUMENAUER, Mr. BONIOR, Mr. BORSKI, Mr. BROWN of California, Mr. CAMPBELL, Mr. DELAHUNT, Mr. EVANS, Mr. FARR of California, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GEJDENSON, Mr. HYDE, Mr. KLECZKA, Mr. KUCINICH, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. MANTON, Mr. MARKEY, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. NADLER, Mr. OBERSTAR, Ms. PELOSI, Ms. RIVERS, Mr. SCHUMER, Mr. SHAYS, Mr. TIERNEY, Mr. TOWNS, Mr. WAXMAN, Ms. WOOLSEY, Mrs. MCCARTHY of New York, and Mr. SMITH of New Jersey):

H.R. 3946. A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness; to the Committee on Commerce.

By Mr. ARCHER:

H.R. 3947. A bill to amend the Internal Revenue Code of 1986 to provide that certain liquidating distributions of a regulated investment company or a real estate investment trust which are allowable as a deduction shall be included in the gross income of the distributee; to the Committee on Ways and Means.

By Mr. KLINK (for himself, Mr. MURTHA, Mr. FATTAH, Mr. KANJORSKI, Mr. DOYLE, Mr. ETHERIDGE, Mrs. EMERSON, Mr. HALL of Ohio, Mr. TRAFICANT, Mr. MASCARA, Mr. HOLDEN, Mrs. THURMAN, Mr. GEJDENSON, Ms. STABENOW, Mr. STUPAK, Mr. RUSH, Mr. MCDERMOTT, Mr. SMITH of New Jersey, Mr. STRICKLAND, Mr. FOX of Pennsylvania, Mr. RODRIGUEZ, Mr. ENGLISH of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. MANTON, Mr. KENNEDY of Massachusetts, Mr. HINCHEY, Mrs. MCCARTHY of New York, Mr. GREEN, Mr. NADLER, and Mr. GOODE):

H.R. 3948. A bill to maintain health care coverage for veterans by the Department of Veterans Affairs for tobacco related illnesses, and to provide for additional authorization of appropriations for the Department; to the Committee on Veterans' Affairs.

By Mr. BARR of Georgia (for himself, Mr. BOUCHER, Mr. GRAHAM, Mr. BARCIA of Michigan, and Mr. STRICKLAND):

H.R. 3949. A bill to ban the imposition of a fee for performing background checks in connection with the transfer of a firearm, and to ensure that background check information is not retained for longer than necessary; to the Committee on the Judiciary.

By Mr. BILBRAY:

H.R. 3950. A bill to designate a portion of the Otay Mountain region of California as wilderness; to the Committee on Resources.

By Mr. ACKERMAN:

H.R. 3951. A bill to amend title 18, United States Code, to prohibit ticket scalping; to the Committee on the Judiciary.

By Mr. ACKERMAN (for himself, Mr. FORBES, Mr. MANTON, Mrs. MALONEY of New York, Mr. MEEKS of New York, Mrs. LOWEY, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. LAZIO of New York, Ms. VELAZQUEZ, and Mr. SCHUMER):

H.R. 3952. A bill to require the Administrator of the Federal Aviation Administration to address the aircraft noise problems of Queens and Long Island, New York; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 3953. A bill to amend the Internal Revenue Code of 1986 to provide an inflation adjustment of the dollar limitation on the exclusion of gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself, Mr. HAYWORTH, Mr. MOLLOHAN, Mr. STENHOLM, Mr. HERGER, Mr. BOUCHER, Mr. HASTINGS of Washington, Mr. SESSIONS, Mr. BARTON of Texas, Mr. BUNNING of Kentucky, Mr. NORWOOD, Mr. CUNNINGHAM, Mr. STUMP, Mr. BRADY of Texas, Mr. CRAPO, Mr. CANNON, Mr. NETHERCUTT, Mr. GOODE, Mr. WISE, Mr. BARCIA of Michigan, Mr. WATTS of Oklahoma, Mr. EHRLICH, Mr. CRANE, Mr. NEY, Mr. YOUNG of Alaska, and Mr. BARTLETT of Maryland):

H.R. 3954. A bill to clarify the standard required for the importation of sporting arms into the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BOSWELL:

H.R. 3955. A bill to amend title 46, United States Code, to protect seamen against economic reprisal; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, and Mrs. MORELLA):

H.R. 3956. A bill to amend title 5, United States Code, to provide for more equitable policies relating to overtime pay for Federal employees; to the Committee on Government Reform and Oversight.

By Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, and Mr. WOLF):

H.R. 3957. A bill to rename Wolf Trap Farm Park for the Performing Arts as ''Wolf Trap National Park for the Performing Arts''; to the Committee on Resources.

By Mr. EHRLICH (for himself, Mr. CUNNINGHAM, Mr. WELDON of Pennsylvania, and Mr. INGLIS of South Carolina):

H.R. 3958. A bill to amend the Fair Labor Standards Act of 1938 to provide an overtime compensation exemption for paramedics, emergency medical technicians, and rescue and ambulance personnel trained to provide emergency medical services and provide transport of persons receiving those services who are also trained in fire suppression services; to the Committee on Education and the Workforce.

By Mr. ENGLISH of Pennsylvania:

H.R. 3959. A bill to suspend temporarily the duty on ferroniobium; to the Committee on Ways and Means.

By Mr. ENSIGN (for himself and Mr. GIBBONS):

H.R. 3960. A bill to amend the Internal Revenue Code of 1986 to provide that the special motor fuels excise tax on water-phased hydrocarbon fuel emulsions shall be based on their Btu content relative to gasoline; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 3961. A bill to establish the Administrative Law Judge Conference of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 3962. A bill to provide for the ratification of payments made under preexisting onshore and offshore royalty-in-kind programs; to the Committee on Resources.

By Mr. HILL:

H.R. 3963. A bill to establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around Canyon Ferry Reservoir, Montana; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 3964. A bill to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project for the reclamation and reuse of water, and for other purposes; to the Committee on Resources.

By Mrs. KENNELLY of Connecticut:

H.R. 3965. A bill to amend the Internal Revenue Code of 1986 to repeal the provision added by the Taxpayer Relief Act of 1997 that imposes tax increases on certain families by reason of the inflation adjustments in the regular income tax rate brackets, the standard deduction, and the personal exemption; to the Committee on Ways and Means.

By Mr. LAHOOD (for himself, Mr. SANDLIN, Mr. ISTOOK, Ms. DANNER, Mr. BLUNT, Mr. COBURN, Mr. BARRETT of Nebraska, Mr. HASTINGS of Washington, and Mr. EHLERS):

H.R. 3966. A bill to amend title 23, United States Code, to provide for collection and payment of State taxes imposed on motor fuel sold on Indian lands; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM:

H.R. 3967. A bill to suspend until January 1, 2002, the duty on Sodium Bentazon; to the Committee on Ways and Means.

By Mr. LEACH (for himself, Mr. LAFALCE, Mrs. ROUKEMA, Mr. VENTO, Mr. BAKER, Mr. LAZIO of New York, Mr. BACHUS, and Mr. CASTLE):

H.R. 3968. A bill to require within 90 days an assessment of, and a national strategy for addressing, the Year 2000 computer problem to ensure that critical public and private services to the American public are not disrupted, and for other purposes; to the Committee on Science, and in addition to the Committees on Government Reform and Oversight, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM:

H.R. 3969. A bill to clarify that retirement income from pension plans of the government of the Commonwealth of Puerto Rico shall be exempt from nonresident taxation in the same manner as State pension plans; to the Committee on the Judiciary.

By Mr. MCKEON (for himself and Mr. STUMP):

H.R. 3970. A bill to amend title 10, United States Code, to provide that persons who have been convicted of a capital crime may not be awarded the Purple Heart; to the Committee on National Security.

By Mr. MORAN of Virginia:

H.R. 3971. A bill to reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region; to the Committee on Transportation and Infrastructure.

By Mr. PICKETT:

H.R. 3972. A bill to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the outer Continental Shelf; to the Committee on Resources.

By Mr. RIGGS (for himself and Mr. HERGER):

H.R. 3973. A bill to reauthorize and amend the Trinity River Basin Fish and Wildlife Management Act of 1984; to the Committee on Resources.

By Ms. RIVERS:

H.R. 3974. A bill to waive interest and penalties on failures to properly complete schedule D of Form 1040 for 1997; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 3975. A bill to provide for access by State and local authorities to information of the Department of Justice for the purpose of conducting criminal background checks on port employees and prospective employees; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. BARTON of Texas, Mr. BILBRAY, Mr. COOKSEY, Mr. DOOLITTLE, Mr. JOHN, Mr. MCCRERY, Mr. NORWOOD, Mr. PARKER, Mr. WICKER, and Mr. YOUNG of Alaska):

H.R. 3976. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1998, and for other purposes; to the Committee on Commerce.

By Mr. STEARNS (for himself, Mr. SANDERS, Mr. ROHRABACHER, Mr. KENNEDY of Rhode Island, Ms. ROS-LEHTINEN, Mr. OLVER, Ms. MCKINNEY, Mr. KUCINICH, Mr. STRICKLAND, Mr. STARK, Ms. WOOLSEY, Mr. EVANS, Mrs. LOWEY, and Mr. SMITH of New Jersey):

H. Con. Res. 281. Concurrent resolution expressing the sense of Congress that Indonesia completes a transition to a democratically elected, non-military government; to the Committee on International Relations.

By Mr. SHUSTER:

H. Con. Res. 282. Concurrent resolution to correct the enrollment of H.R. 2400; considered and agreed to.

By Mr. BERMAN (for himself, Mr. PORTER, Mrs. MALONEY of New York, Mr. PAYNE, Mr. ABERCROMBIE, Mr. LANTOS, Mr. ROHRABACHER, Mrs. LOWEY, Mr. GILMAN, Mr. WOLF, Mr. COX of California, Ms. LOFGREN, Mr. KENNEDY of Massachusetts, and Ms. PELOSI):

H. Con. Res. 283. Concurrent resolution expressing the sense of the Congress concerning the December 1997 report on Tibet of the International Commission of Jurists and on United States policy on Tibet; to the Committee on International Relations.

By Mr. HAYWORTH:

H. Res. 448. A resolution expressing the sense of the House of Representatives that the President should postpone his visit to the People's Republic of China planned for June 1998 until all questions related to the export of sensitive satellite technology to the People's Republic of China have been thoroughly and satisfactorily answered; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

323. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution 443 memorializing the President of the United States and the Congress of the United States to enact H.R. 953, the Ovarian Cancer Research and Information Amendments of 1997; to the Committee on House Oversight.

324. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Joint Resolution 21 memorializing the United States Congress to take such actions as are necessary to return to the states the power to regulate campaign financing in connection with elections for the United States Senate and House of Representatives and to take immediate action to adequately regulate ''soft money'' donations to political committees of political parties; to the Committee on House Oversight.

325. Also, a memorial of the Legislature of the State of Alaska, relative to HJR 39 memorializing the United States Congress to enact legislation prohibiting the President of the United States from further extending or establishing national monuments without the express authorization of the Congress; to the Committee on Resources.

326. Also, a memorial of the Senate of the State of Iowa, relative to Senate Concurrent Resolution No. 115 memorializing the United States Congress to support U.S. House of Representatives Concurrent Resolution 52 that calls for the Congress of the United States to recognize the concern of many in the railroad industry that the spousal annuity under the current system is inadequate and often leaves the survivor with less than the amount of income needed to meet ordinary and necessary living expenses; to the Committee on Transportation and Infrastructure.

327. Also, a memorial of the Legislature of the State of Alaska, relative to CSSJR 15 memorializing the Congress to reauthorize the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) as soon as possible; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. ROGAN introduced A bill (H.R. 3977) for the relief of Sergey Y. Chernyavskiy; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Ms. MILLENDER-MCDONALD.

H.R. 198: Mr. BOB SCHAFFER.

H.R. 225: Mr. ENGEL.

H.R. 306: Mr. VISCLOSKY.

H.R. 339: Mr. KLINK.

H.R. 371: Mr. THOMPSON.

H.R. 465: Mr. PRICE of North Carolina.

H.R. 498: Mrs. CAPPS.

H.R. 586: Mr. BOYD and Ms. MILLENDER-MCDONALD.

H.R. 678: Mr. ISTOOK, Mr. BISHOP, Mr. CUMMINGS, Mr. EDWARDS, Mr. FATTAH, Mr. FILNER, Mr. JEFFERSON, Ms. MCKINNEY, Ms. Millender-McDonald, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. ORTIZ, Mr. POSHARD, Mr. RANGEL, Mr. RUSH, Mr. TANNER, Mr. TIERNEY, Ms. VELAZQUEZ, Ms. WATERS, Mr. ROGERS, Mr. LEWIS of Kentucky, and Ms. SLAUGHTER.

H.R. 859: Mr. CAMP.

H.R. 899: Mr. TOWNS.

H.R. 979: Mr. BLAGOJEVICH, Mrs. KELLY, Mr. RODRIGUEZ, Mr. SERRANO, Mr. SNOWBARGER, and Mr. JACKSON.

H.R. 1061: Mr. SPRATT, Mr. MALONEY of Connecticut, and Mr. PRICE of North Carolina.

H.R. 1069: Mr. SERRANO.

H.R. 1126: Mr. HASTINGS of Florida, Mr. EHRLICH, and Mr. CAMP.

H.R. 1176: Ms. RIVERS.

H.R. 1203: Mr. ROYCE.

H.R. 1232: Mrs. BONO.

H.R. 1352: Mr. SANDERS and Mr. SERRANO.

H.R. 1362: Mr. BOUCHER.

H.R. 1378: Mr. BURTON of Indiana.

H.R. 1382: Mr. SKELTON, Mr. PASTOR, Mr. WEXLER, Mr. TIERNEY, and Mr. BERMAN.

H.R. 1505: Mr. BARRETT of Wisconsin.

H.R. 1525: Mr. BROWN of California.

H.R. 1531: Mr. FARR of California.

H.R. 1656: Mr. GEJDENSON.

H.R. 1689: Mr. MCINTYRE, Mr. BALLENGER, and Mrs. ROUKEMA.

H.R. 1706: Mr. TOWNS.

H.R. 1726: Mr. TOWNS.

H.R. 1748: Mr. MCDERMOTT.

H.R. 1813: Mr. BATEMAN, Mr. KUCINICH, Ms. RIVERS, Mr. ROMERO-BARCELO, Mr. RUSH, and Ms. MCCARTHY of Missouri.

H.R. 1842: Mr. HUNTER.

H.R. 1891: Mr. BISHOP.

H.R. 1995: Mr. BALDACCI, Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. KANJORSKI, Mr. JEFFERSON, Mr. SAWYER, Mr. SANDLIN, Mr. SPRATT, Mr. POSHARD, Mr. DOYLE, Ms. JACKSON-LEE, Mr. EDWARDS, Mr. PAYNE, Mr. BISHOP, Ms. MCKINNEY, Mr. ENGEL, Mr. CLEMENT, Mr. FROST, Mr. SABO, and Mr. Levin.

H.R. 2009: Mr. YATES.

H.R. 2173: Mr. GILMAN.

H.R. 2273: Mr. KLECZKA, Mr. BRYANT, and Mr. BURR of North Carolina.

H.R. 2275: Mr. BLAGOJEVICH and Mr. JACKSON.

H.R. 2452: Mr. TOWNS.

H.R. 2454: Mr. SERRANO.

H.R. 2457: Mr. SERRANO.

H.R. 2499: Mr. LAHOOD, Mr. POSHARD, Mr. DIXON, Mr. KLINK, and Mr. SERRANO.

H.R. 2541: Mr. COLLINS.

H.R. 2549: Mr. STRICKLAND.

H.R. 2553: Mr. SERRANO.

H.R. 2669: Mr. GRAHAM, Mr. INGLIS of South Carolina, Mr. BILBRAY, Mr. EWING, Mr. SOUDER, Mr. WICKER, Mr. PICKERING, Mr. COBURN, Mr. THUNE, Mr. SESSIONS, Mr. WHITE, Mrs. MYRICK, Mr. HOEKSTRA, Mr. SCARBOROUGH, Mr. SHADEGG, and Mr. CHABOT.

H.R. 2704: Ms. SLAUGHTER.

H.R. 2721: Mr. NORWOOD.

H.R. 2733: Mr. LEWIS of Georgia, Mr. VENTO, Mr. SUNUNU, Mr. BARTLETT of Maryland, Mr. STRICKLAND, and Mr. COOKSEY.

H.R. 2758: Mr. WICKER, Mr. COOKSEY, Mr. HUTCHINSON, Mr. LEACH, Mr. PACKARD, Mr. HUNTER, Mr. BONILLA, Mr. SMITH of Texas, Mr. OWENS, Mr. KUCINICH, Mr. CONYERS, Mr. WEYGAND, and Mr. METCALF.

H.R. 2819: Ms. ESHOO and Mr. PAPPAS.

H.R. 2884: Mr. MANZULLO.

H.R. 2885: Mr. WOLF, Mr. ROHRABACHER, Mr. LIPINSKI, Mr. CALVERT, and Mr. ENGLISH of Pennsylvania.

H.R. 2912: Mr. GRAHAM.

H.R. 2987: Mr. FROST.

H.R. 2990: Mr. RODRIGUEZ, Mr. BASS, and Mrs. KELLY.

H.R. 2991: Mr. LARGENT and Mr. SAWYER.

H.R. 3001: Mr. NETHERCUTT.

H.R. 3032: Mr. FRANK of Massachusetts.

H.R. 3043: Ms. WOOLSEY and Mr. DEFAZIO.

H.R. 3050: Mr. MARKEY.

H.R. 3062: Mr. STRICKLAND.

H.R. 3068: Mr. BROWN of California.

H.R. 3131: Mr. DOOLEY of California.

H.R. 3148: Mr. MORAN of Kansas.

H.R. 3156: Mr. DAVIS of Virginia, Mr. HULSHOF, Mr. KIM, Mr. PAXON, Ms. LEE, Mr. MOAKLEY, Mr. SAXTON, Mrs. CUBIN, Mr. BRADY of Texas, Mr. PETRI, Mr. WELLER, Mr. STEARNS, Mr. DEAL of Georgia, Mr. DUNCAN, Mr. SPENCE, Mr. GILLMOR, Mr. BILIRAKIS, Mrs. CHENOWETH, Mr. NETHERCUTT, Mr. FOSSELLA, and Mrs. BONO.

H.R.3177: Mr. WICKER and Mr. SOUDER.

H.R. 3181: Mr. THOMPSON.

H.R. 3206: Mr. MANZULLO.

H.R. 3249: Mr. PACKARD and Ms. GRANGER.

H.R. 3251: Mrs. THURMAN and Mr. PALLONE.

H.R. 3279: Mr. VENTO.

H.R. 3290: Mrs. FOWLER, Mr. CASTLE, Mr. FORBES, Mr. LEACH, Mr. MCKEON, Mr. BOEHLERT, Mr. SISISKY, and Mr. RODRIGUEZ.

H.R. 3300: Mr. TORRES.

H.R. 3314: Mr. ROMERO-BARCELO.

H.R. 3340: Mr. CRAMER.

H.R. 3396: Mr. CUMMINGS and Mr. FAWELL.

H.R. 3400: Mr. KUCINICH and Ms. CARSON.

H.R. 3435: Mr. MASCARA and Mrs. EMERSON.

H.R. 3462: Mr. HILLIARD.

H.R. 3465: Mr. CRAMER.

H.R. 3499: Mr. JACKSON.

H.R. 3503: Mr. UPTON and Mrs. JOHNSON of Connecticut.

H.R. 3523: Mr. ANDREWS and Ms. STABENOW.

H.R. 3524: Mr. OLVER.

H.R. 3526: Mr. DOOLEY of California, Mr. CARDIN, Mr. PASCRELL, Ms. PELOSI, and Mr. SAWYER.

H.R. 3531: Mr. ALLEN.

H.R. 3540: Mr. GUTIERREZ, Mr. BROWN of Ohio, Mr. SABO, and Mr. TORRES.

H.R. 3541: Mr. BEREUTER, Mr. MCINTYRE, and Mr. LAMPSON.

H.R. 3561: Ms. MCCARTHY of Missouri.

H.R. 3568: Ms. KAPTUR, Mr. POSHARD, Mr. PASCRELL, and Ms. RIVERS.

H.R. 3570: Mrs. EMERSON.

H.R. 3572: Mr. DICKEY.

H.R. 3599: Mrs. THURMAN.

H.R. 3601: Mr. BATEMAN and Mr. BURTON of Indiana.

H.R. 3605: Mr. OBEY.

H.R. 3624: Mr. VENTO.

H.R. 3636: Mr. BARREET of Nebraska, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. GREEN, Mr. WYNN, and Mr. VENTO.

H.R. 3651: Mr. SERRANO.

H.R. 3654: Mr. BLUNT.

H.R. 3659: Mr. LATHAM and Mr. THOMPSON.

H.R. 3666: Mr. BONIOR.

H.R. 3667: Mr. COOKSEY, Mr. NUSSLE, Mr. HEFLEY, Mr. BOB SCHAFFER, Mr. MCCOLLUM, Mr. HERGER, and Ms. SANCHEZ.

H.R. 3684: Mr. TRAFICANT.

H.R. 3690: Mr. SPRATT.

H.R. 3716: Mr. SERRANO, Mr. BALDACCI, and Mr. FILNER.

H.R. 3720: Mr. SAM JOHNSON.

H.R. 3733: Mr. BLUNT and Mr. MCGOVERN.

H.R. 3743: Ms. NORTON.

H.R. 3767: Mr. EHRLICH and Mr. MATSUI.

H.R. 3780: Mrs. JOHNSON of Connecticut and Mr. LIVINGSTON.

H.R. 3789: Mr. INGLIS of South Carolina.

H.R. 3798: Mrs. THURMAN.

H.R. 3831: Mr. PASCRELL, Mr. ENGLISH of Pennsylvania, and Mr. FROST.

H.R. 3837: Mr. SHAYS, Mr. DOOLEY of California, Mr. HILLIARD, Mr. MATSUI, Mr. HINCHEY, Mr. SCHUMER, Mr. SANDLIN and Mr. GEJDENSON.

H.R. 3855: Mr. BARRETT of Wisconsin.

H.R. 3861: Mr. JONES.

H.R. 3870: Mr. KANJORSKI, Mr. RILEY, Mr. THOMPSON, Mr. JENKINS, Mr. SANDLIN, Mr. FROST, Mr. DELAHUNT and Mr. BURR of North Carolina.

H.R. 3875: Ms. PELOSI and Ms. LOFGREN.

H.R. 3879: Mr. CRAPO and Mr. BOB SCHAFFER.

H.R. 3880: Mr. PAYNE, Mr. BALDACCI, Mr. FRANK of Massachusetts, Mr. STARK, Mr. FARR of California, Mr. HINCHEY, Ms. FURSE, Mr. FROST, Mr. PETERSON of Minnesota, Ms. LOFGREN, and Mr. HILLIARD.

H.R. 3888: Mr. KLUG, Mr. ROGAN, Mr. OXLEY, Mr. BILIRAKIS, Mr. UPTON, Mr. LAZIO of New York, Mr. STEARNS, Mr. BILBRAY, Mr. NORWOOD, Mr. LARGENT, Mr. WATTS of Oklahoma, Mr. CRAPO, Mr. DAN SCHAEFER of Colorado, Mr. HASTERT, Mr. PAXON, Mr. KNOLLENBERG, Mrs. CUBIN, Mr. HANSEN, Mr. DEAL of Georgia, Mr. CHAMBLISS, and Mr. FOSSELLA.

H.R. 3895: Mr. BARRETT of Wisconsin, Ms. LOFGREN, Ms. CARSON, Mr. MEEHAN, Mr. MANTON, Mr. UNDERWOOD, Mr. GUTIERREZ, Ms. DELAURO, and Mr. SCHUMER.

H.R. 3902: Mr. LAMPSON.

H. Con. Res. 47: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 125: Mr. LOBIONDO, Ms. WOOLSEY, Mrs. TAUSCHER, and Mr. FRANKS of New Jersey.

H. Con. Res. 181: Mr. FRANKS of New Jersey, Mr. SHAYS, Mr. GOODLING, Mr. LAMPSON, and Mr. WATTS of Oklahoma.

H. Con. Res. 203: Mr. HOLDEN, Mr. PASCRELL, Mr. FATTAH, Mr. MOLLOHAN, Mr. COBURN, Mr. LARGENT, Ms. MCCARTHY of Missouri, Mr. LUTHER, Mr. BORSKI, Mr. RAHALL, Mr. KENNEDY of Rhode Island, Mr. PITTS, Mr. EHRLICH, Ms. STABENOW, Mr. GREEN, Mr. REYES, Mr. BENTSEN, Ms. LEE, Mr. SCARBOROUGH, Mr. POMEROY, Mr. WISE, Mr. FOX of Pennsylvania, Ms. DELAURO, Ms. RIVERS, Mr. BONIOR, Mr. VISCLOSKY, Ms. ESHOO, and Ms. WOOLSEY.

H. Con. Res. 210: Mr. FRELINGHUYSEN.

H. Con. Res. 219: Mr. LAMPSON.

H. Con. Res. 268: Mr. KENNEDY of Rhode Island and Mr. SHERMAN.

H. Con. Res. 277: Mr. HUTCHINSON, Mrs. EMERSON, and Mr. WOLF.

H. Res. 16: Mr. CALVERT.

H. Res. 37: Ms. PELOSI, Ms. WATERS, Mr. SCARBOROUGH, Mr. CLAY, Mr. GEPHARDT, Mr. SPRATT, Mr. WHITE, Ms. DELAURO, Mr. GANSKE, Ms. LEE, Mr. JOHNSON of Wisconsin, Mr. KUCINICH, Mr. GREENWOOD, Mr. CASTLE, Mr. CAMP, and Mrs. KENNELLY of Connecticut.

H. Res. 312: Mr. FROST.

H. Res. 399: Mr. SHADEGG and Mr. SHAYS.

H. Res. 406: Mr. DOOLEY of California, Mr. THOMAS, and Mr. EWING.

H. Res. 444: Mrs. THURMAN and Mr. ADAM SMITH of Washington.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

65. The SPEAKER presented a petition of the Legislature of Rockland County, New City, New York, relative to Resolution No. 148 of 1998 petitioning the Congress of the United States to oppose the the proposed Medicare Beneficiary Freedom to Contract Act; jointly to the Committees on Ways and Means and Commerce.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 1 by Mr. YATES on House Resolution 141: Joe Skeen, Tom Lantos, Thomas M. Barrett, Bruce F. Vento, Brad Sherman, Collin C. Peterson, Louis Stokes, Marcy Kaptur, Eddie Bernice Johnson, Carrie P. Meek, Lloyd Doggett, Bart Gordon, Zoe Lofgren, Solomon P. Ortiz, John Elias Baldacci, Karen McCarthy, Nick J. Rahall, II, and Dennis J. Kucinich.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY: MR. LATOURETTE

(To the Amendment Offered by: Mr. Hutchinson)

AMENDMENT NO. 27: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—SENSE OF CONGRESS REGARDING BUCKLEY DECISION

SEC. 401. SENSE OF CONGRESS REGARDING BUCKLEY DECISION.

(a) FINDINGS.—Congress finds as follows:

(1) Congress should seek to ensure that all citizens, regardless of wealth, have an equal voice in elections and an equal opportunity to run for public office.

(2) Congress should seek to further the principle of ''one person, one vote'' and to preserve the integrity of the democratic system.

(3) Congress should seek to limit corruption with respect to elections and the appearance of such corruption.

(4) The unlimited use of money to influence elections is incompatible with the principles of free speech and equal protection established under the first and fourteenth amendments of the Constitution.

(b) SENSE OF CONGRESS.—It is the sense of Congress that in order for Congress to enact effective campaign finance reforms, the 1976 Supreme Court ruling in Buckley v. Valeo that limitations on expenditures in political campaigns are unconstitutional should be overturned.

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments offered by: Mr. White, Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 28: Add at the end the following new title:

TITLE ___—PERMANENT AUTHORIZATION OF FEC

SEC. ___01. PERMANENT AUTHORIZATION OF FEDERAL ELECTION COMMISSION.

Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended—

(1) by striking ''and $9,400,000'' and inserting ''$9,400,000''; and

(2) by striking the period at the end and inserting the following: '', $36,504,000 for the fiscal year ending September 30, 1999, and such sums as may be necessary for the fiscal year ending September 30, 2000, and each succeeding fiscal year.''.

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments offered by: Mr. White, Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 29: Add at the end the following new title:

TITLE ___—POLITICAL CONTRIBUTIONS ON FEDERAL PROPERTY

SEC. ___01. POLITICAL CONTRIBUTIONS ON FEDERAL PROPERTY.

(a) AMENDMENT.—Section 607 of title 18, United States Code, is amended to read as follows:

''§ 607. Political contributions on Federal property

''(a) Whoever, on Federal property—

(1) knowingly receives or solicits a political contribution, including solicitation by telephone or electronic means; or

(2) sponsors an event which is a direct or indirect reward for a past, present, or future political contribution,

shall be fined under this title or imprisoned not more than 3 years, or both.

''(b) A person shall have an affirmative defense, which must be proven by a preponderance of the evidence, to the prohibition in this section against knowingly receiving a political contribution if the person, within 10 days after receiving such political contribution—

''(1) with respect to a political contribution from an identifiable contributor—

''(A) returns the political contribution to the contributor;

''(B) informs the contributor that receipt of the political contribution on Federal property is prohibited by this section; and

''(C) reports the return of the political contribution to the Federal Election Commission; or

''(2) with respect to a political contribution from a contributor who is not identifiable, pays the amount of the political contribution to the Secretary of the Treasury for deposit in the general fund of the Treasury, and reports such payment to the Federal Election Commission.

''(c) In this section—

''(1) the term 'Federal property' means—

''(A) any real property owned or controlled by the Federal Government, including the chambers of the House of Representatives and the Senate and any congressional office; and

''(B) any vehicle, vessel, or aircraft owned or controlled by the Federal Government;

''(2) the term 'political contribution' means any donation of money, property, or services to or for the benefit of a political organization as defined in section 527(e)(1) of the Internal Revenue Code of 1986.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 18, United States Code, is amended by amending the item relating to section 607 to read as follows:

''607. Political contributions on Federal property.''.

SEC. ___02. NOTICE TO FEDERAL OFFICE HOLDERS.

(a) CURRENT FEDERAL OFFICE HOLDERS.—Within 100 days after the date of the enactment of this Act, the Clerk of the House of Representatives shall transmit a copy of section 607 of title 18, United States Code, to each individual who holds Federal office on the date of the enactment of this Act.

(b) NEW FEDERAL OFFICE HOLDERS.—The Clerk of the House of Representatives shall, on the date on which an individual assumes Federal office after the date of the enactment of this Act, transmit a copy of section 607 of title 18, United States Code, to such individual.

(c) FEDERAL OFFICE DEFINED.—In this section, the term ''Federal office'' has the meaning given such term in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendments offered by: Mr. White, Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 30: Add at the end the following new title:

TITLE ___—POLITICAL CONTRIBUTIONS ON FEDERAL PROPERTY

SEC. ___01. POLITICAL CONTRIBUTIONS ON FEDERAL PROPERTY.

(a) AMENDMENT.—Section 607 of title 18, United States Code, is amended to read as follows:

''§ 607. Political contributions on Federal property

''(a) Whoever, on Federal property—

(1) knowingly receives or solicits a political contribution, including solicitation by telephone or electronic means; or

(2) sponsors an event which is a direct or indirect reward for a past, present, or future political contribution,

shall be fined under this title or imprisoned not more than 3 years, or both.

''(b) A person shall have an affirmative defense, which must be proven by a preponderance of the evidence, to the prohibition in this section against knowingly receiving a political contribution if the person, within 10 days after receiving such political contribution—

''(1) with respect to a political contribution from an identifiable contributor—

''(A) returns the political contribution to the contributor;

''(B) informs the contributor that receipt of the political contribution on Federal property is prohibited by this section; and

''(C) reports the return of the political contribution to the Federal Election Commission; or

''(2) with respect to a political contribution from a contributor who is not identifiable, pays the amount of the political contribution to the Secretary of the Treasury for deposit in the general fund of the Treasury, and reports such payment to the Federal Election Commission.

''(c) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to Federal property, and if such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971.

''(d) In this section—

''(1) the term 'Federal property' means—

''(A) any real property owned or controlled by the Federal Government, including the chambers of the House of Representatives and the Senate and any congressional office; and

''(B) any vehicle, vessel, or aircraft owned or controlled by the Federal Government;

''(2) the term 'political contribution' means any donation of money, property, or services to or for the benefit of a political organization as defined in section 527(e)(1) of the Internal Revenue Code of 1986.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 18, United States Code, is amended by amending the item relating to section 607 to read as follows:

''607. Political contributions on Federal property.''.

SEC. ___02. NOTICE TO FEDERAL OFFICE HOLDERS.

(a) CURRENT FEDERAL OFFICE HOLDERS.—Within 100 days after the date of the enactment of this Act, the Clerk of the House of Representatives shall transmit a copy of section 607 of title 18, United States Code, to each individual who holds Federal office on the date of the enactment of this Act.

(b) NEW FEDERAL OFFICE HOLDERS.—The Clerk of the House of Representatives shall, on the date on which an individual assumes Federal office after the date of the enactment of this Act, transmit a copy of section 607 of title 18, United States Code, to such individual.

(c) FEDERAL OFFICE DEFINED.—In this section, the term ''Federal office'' has the meaning given such term in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendment Offered by: Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 31: Add at the end the following new title:

TITLE ___—DISCLOSURE OF INFORMATION ON PHONE BANKS AND POLLS

SEC. ___01. DISCLOSURE REQUIREMENT FOR PHONE BANK COMMUNICATIONS.

Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)) is amended, in the matter before paragraph (1), by inserting after ''broadcasting station'' the following: ''phone bank,''.

SEC. ___02. DISCLOSURE AND REPORTS RELATING TO POLLING BY TELEPHONE OR ELECTRONIC DEVICE.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''DISCLOSURE AND REPORTS RELATING TO POLLING BY TELEPHONE OR ELECTRONIC DEVICE

''SEC. 323. (a) IDENTITY OF SPONSOR.—Any person who conducts a Federal election poll by telephone or electronic device shall disclose to each respondent the identity of the person paying the expenses of the poll. The disclosure shall be made at the end of the interview involved.

''(b) REPORT TO COMMISSION.—In the case of any Federal election poll by telephone or electronic device in which more than 1,200 households are surveyed—

''(1) if the results are not to be made public, the person who conducts the poll shall report to the Commission the total cost of the poll and all sources of funds for the poll; and

''(2) the person who conducts the poll shall report to the Commission the total number of households contacted, and include with such report a copy of the poll questions.

''(c) DEFINITION.—As used in this section, the term 'Federal election poll' means a survey in which the respondent is asked to state a preference in a future election for Federal office.''.

H.R. 2183

OFFERED BY: MRS. MALONEY OF NEW YORK

(To the Amendment Offered by: Mr. Shays, Mr. Bass, Mr. Farr, Mr. Snowbarger, Mr. Obey, Mr. Campbell, Mr. Tierney, Mr. Schaffer, Mr. Doolittle, and Mr. Hutchinson)

AMENDMENT NO. 32: Add at the end the following new title:

TITLE ___—INDEPENDENT COMMISSION ON CAMPAIGN FINANCE REFORM

SEC. ___01. ESTABLISHMENT AND PURPOSE OF COMMISSION.

There is established a commission to be known as the ''Independent Commission on Campaign Finance Reform'' (referred to in this title as the ''Commission''). The purposes of the Commission are to study the laws relating to the financing of political activity and to report and recommend legislation to reform those laws.

SEC. 402. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 12 members appointed within 15 days after the date of the enactment of this Act by the President from among individuals who are not incumbent Members of Congress and who are specially qualified to serve on the Commission by reason of education, training, or experience.

(b) APPOINTMENT.—

(1) IN GENERAL.—Members shall be appointed as follows:

(A) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives.

(B) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the majority leader of the Senate.

(C) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(D) 3 members (one of whom shall be a political independent) shall be appointed from among a list of nominees submitted by the minority leader of the Senate.

(2) FAILURE TO SUBMIT LIST OF NOMINEES.—If an official described in any of the subparagraphs of paragraph (1) fails to submit a list of nominees to the President during the 15-day period which begins on the date of the enactment of this Act—

(A) such subparagraph shall no longer apply; and

(B) the President shall appoint 3 members (one of whom shall be a political independent) who meet the requirements described in subsection (a) and such other criteria as the President may apply.

(3) POLITICAL INDEPENDENT DEFINED.—In this subsection, the term ''political independent'' means an individual who at no time after January 1992—

(A) has held elective office as a member of the Democratic or Republican party;

(B) has received any wages or salary from the Democratic or Republican party or from a Democratic or Republican party office-holder or candidate; or

(C) has provided substantial volunteer services or made any substantial contribution to the Democratic or Republican party or to a Democratic or Republican party office-holder or candidate.

(c) CHAIRMAN.—At the time of the appointment, the President shall designate one member of the Commission as Chairman of the Commission.

(d) TERMS.—The members of the Commission shall serve for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) POLITICAL AFFILIATION.—Not more than 4 members of the Commission may be of the same political party.

SEC. 403. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. In carrying out the preceding sentence, the Commission shall ensure that a substantial number of its meetings are open meetings, with significant opportunities for testimony from members of the general public.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The approval of at least 9 members of the Commission is required when approving all or a portion of the recommended legislation. Any member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this section.

SEC. 404. ADMINISTRATIVE PROVISIONS.

(a) PAY AND TRAVEL EXPENSES OF MEMBERS.—(1) Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) STAFF DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, appoint a staff director, who shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) STAFF OF COMMISSION; SERVICES.—

(1) IN GENERAL.—With the approval of the Commission, the staff director of the Commission may appoint and fix the pay of additional personnel. The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—The Commission may procure by contract the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

SEC. 405. REPORT AND RECOMMENDED LEGISLATION.

(a) REPORT.—Not later than the expiration of the 180-day period which begins on the date on which the second session of the One Hundred Fifth Congress adjourns sine die, the Commission shall submit to the President, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate a report of the activities of the Commission.

(b) RECOMMENDATIONS; DRAFT OF LEGISLATION.—The report under subsection (a) shall include any recommendations for changes in the laws (including regulations) governing the financing of political activity (taking into account the provisions of this Act and the amendments made by this Act), including any changes in the rules of the Senate or the House of Representatives, to which 9 or more members of the Commission may agree, together with drafts of—

(1) any legislation (including technical and conforming provisions) recommended by the Commission to implement such recommendations; and

(2) any proposed amendment to the Constitution recommended by the Commission as necessary to implement such recommendations, except that if the Commission includes such a proposed amendment in its report, it shall also include recommendations (and drafts) for legislation which may be implemented prior to the adoption of such proposed amendment.

(c) GOALS OF RECOMMENDATIONS AND LEGISLATION.—In making recommendations and preparing drafts of legislation under this section, the Commission shall consider the following to be its primary goals:

(1) Encouraging fair and open Federal elections which provide voters with meaningful information about candidates and issues.

(2) Eliminating the disproportionate influence of special interest financing of Federal elections.

(3) Creating a more equitable electoral system for challengers and incumbents.

SEC. 406. EXPEDITED CONGRESSIONAL CONSIDERATION OF LEGISLATION.

(a) IN GENERAL.—If any legislation is introduced the substance of which implements a

recommendation of the Commission submitted under section ____05(b) (including a joint resolution proposing an amendment to the Constitution), subject to subsection (b), the provisions of section 2908 (other than subsection (a)) of the Defense Base Closure and Realignment Act of 1990 shall apply to the consideration of the legislation in the same manner as such provisions apply to a joint resolution described in section 2908(a) of such Act.

(b) SPECIAL RULES.—For purposes of applying subsection (a) with respect to such provisions, the following rules shall apply:

(1) Any reference to the Committee on Armed Services of the House of Representatives shall be deemed a reference to the Committee on House Oversight of the House of Representatives and any reference to the Committee on Armed Services of the Senate shall be deemed a reference to the Committee on Rules and Administration of the Senate.

(2) Any reference to the date on which the President transmits a report shall be deemed a reference to the date on which the recommendation involved is submitted under section ____05(b).

(3) Notwithstanding subsection (d)(2) of section 2908 of such Act—

(A) debate on the legislation in the House of Representatives, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation;

(B) debate on the legislation in the Senate, and on all debatable motions and appeals in connection with the legislation, shall be limited to not more than 10 hours, divided equally between those favoring and those opposing the legislation; and

(C) debate in the Senate on any single debatable motion and appeal in connection with the legislation shall be limited to not more than 1 hour, divided equally between the mover and the manager of the bill (except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee), and the majority and minority leader may each allot additional time from time under such leader's control to any Senator during the consideration of any debatable motion or appeal.

SEC. 407. TERMINATION.

The Commission shall cease to exist 90 days after the date of the submission of its report under section ____05.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as are necessary to carry out its duties under this title.

H.R. 2183

OFFERED BY: MR. SHADEGG

(To the Amendment Offered by: Mr. Hutchinson or Mr. Allen)

AMENDMENT NO. 33: Insert after title III the following new title (and redesignate the succeeding provisions and conform the table of contents accordingly):

TITLE IV—EXPEDITED REVIEW OF ALLEGATIONS OF CAMPAIGN LAW VIOLATIONS

SEC. 401. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and (to the greatest extent possible) issue the decision prior to the date of the election involved.

''(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

''(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

''(B) whether an expenditure is an independent expenditure under section 301(17).''.

(b) CONFORMING AMENDMENT.—Section 309(a)(5)(C) of such Act (2 U.S.C. 437g(a)(5)(C)) is amended by striking ''subsection (d)'' and inserting ''subsection (e)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. SHADEGG

(To the Amendment Offered by: Mr. Bass)

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

''(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

''(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

''(B) whether an expenditure is an independent expenditure under section 301(17).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.

H.R. 2183

OFFERED BY: MR. SHADEGG

(To the Amendment Offered by: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 35: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. EXPEDITED COURT REVIEW OF CERTAIN ALLEGED VIOLATIONS OF FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) Notwithstanding any other provision of this section, if a candidate (or the candidate's authorized committee) believes that a violation described in paragraph (2) has been committed with respect to an election during the 90-day period preceding the date of the election, the candidate or committee may institute a civil action on behalf of the Commission for relief (including injunctive relief) against the alleged violator in the same manner and under the same terms and conditions as an action instituted by the Commission under subsection (a)(6), except that the court involved shall issue a decision regarding the action as soon as practicable after the action is instituted and to the greatest extent possible issue the decision prior to the date of the election involved.

''(2) A violation described in this paragraph is a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 relating to—

''(A) whether a contribution is in excess of an applicable limit or is otherwise prohibited under this Act; or

''(B) whether an expenditure is an independent expenditure under section 301(17).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after the date of the enactment of this Act.