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S. 1384

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 "Freeing Alternatives for Speedy Transportation Act" or the "FAST Act".

SEC. 2. INTERSTATE SYSTEM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“§ 165. FAST fees

“(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System FAST Lanes program under which the Secretary, notwithstanding sections 129 and 301, shall permit a State, or a public or private entity designated by a State, to collect fees to finance the expansion of a highway, for the purpose of reducing traffic congestion, by constructing 1 or more additional lanes (including bridge, support, and other structures necessary for that construction) on the Interstate System.

“(b) ELIGIBILITY.—To be eligible to participate in the program, a State shall submit to the Secretary for approval an application that contains—

“(1) an identification of the additional lanes (including any necessary bridge, support, and other structures) to be constructed on the Interstate System under the program;

“(2) in the case of 1 or more additional lanes that affect a metropolitan area, an assurance that the metropolitan planning organization established under section 134 for the area has been consulted during the planning process concerning the placement and amount of fees on the additional lanes; and

“(3) a facility management plan that includes—

“(A) a plan for implementing the imposition of fees on the additional lanes;

“(B) a schedule and finance plan for construction, operation, and maintenance of the additional lanes using revenues from fees (and, as necessary to supplement those revenues, revenues from other sources); and

“(C) a description of the public or private entities that will be responsible for implementation and administration of the program.

“(c) REQUIREMENTS.—The Secretary shall approve the application of a State for participation in the program after the Secretary determines that, in addition to meeting the requirements of subsection (b), the State has entered into an agreement with the Secretary that provides that—

“(1) fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology;

“(2) all revenues from fees received from operation of FAST lanes shall be used only for—

“(A) debt service relating to the investment in FAST lanes;

“(B) reasonable return on investment of any private entity financing the project, as determined by the State;

“(C) any costs necessary for the improvement, and proper operation and maintenance (including reconstruction, resurfacing, restoration, and rehabilitation), of FAST lanes and existing lanes, if the improvement—

“(i) is necessary to integrate existing lanes with the FAST lanes;

“(ii) is necessary for the construction of an interchange (including an on- or off-ramp) from the FAST lane to connect the FAST lane to—

“(I) an existing FAST lane;

“(II) the Interstate System; or

“(III) a highway; and

“(iii) is carried out before the date on which fees for use of FAST lanes cease to be collected in accordance with paragraph (6); or

“(D) the establishment by the State of a reserve account to be used only for long-term maintenance and operation of the FAST lanes;

“(3) fees may be collected only on and for the use of FAST lanes, and may not be collected on or for the use of existing lanes;

“(4) use of FAST lanes shall be voluntary;

“(5) revenues from fees received from operation of FAST lanes may not be used for any other project (except for establishment of a reserve account described in paragraph (2)(D) or as otherwise provided in this section);

“(6) on completion of the project, and on completion of the use of fees to satisfy the requirements for use of revenue described in paragraph (2), no additional fees shall be collected; and

“(7)(A) to ensure compliance with paragraphs (1) through (5), annual audits shall be conducted for each year during which fees are collected on FAST lanes; and

“(B) the results of each audit shall be submitted to the Secretary.

“(d) APPORTIONMENT.—

“(1) IN GENERAL.—Revenues collected from FAST lanes shall not be taken into account in determining the apportionments and allocations that any State or transportation district within a State shall be entitled to receive under or in accordance with this chapter.

“(2) NO EFFECT ON STATE EXPENDITURE OF FUNDS.—Nothing in this section affects the expenditure by any State of funds apportioned under this chapter.”

(b) CONFORMING AMENDMENT.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 164 the following:

“165. FAST fees.”

(2) Section 301 of title 23, United States Code, is amended by inserting after “tunnels,” the following: “and except as provided in section 165.”

SEC. 3. TOLL FEASIBILITY.

Section 106 of title 23, United States Code, is amended by adding at the end the following:

“(i) TOLL FEASIBILITY.—The Secretary shall select and conduct a study on a project under this title that is intended to increase capacity, and that has an estimated total cost of at least \$50,000,000, to determine whether—

“(1) a toll facility for the project is feasible; and

“(2) privatizing the construction, operation, and maintenance of the toll facility is financially advisable (while retaining legal and administrative control of the portion of the applicable Interstate route).”

AMENDMENTS SUBMITTED AND PROPOSED

SA 1136. Mr. LUGAR proposed an amendment to the bill S. 925, to authorize appro-

priations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

SA 1137. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1138. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1139. Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1140. Mr. BINGAMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 1141. Mrs. BOXER (for herself, Mr. CHAFEE, Ms. MIKULSKI, Mrs. MURRAY, Ms. SNOWE, Mr. BIDEN, Mrs. CLINTON, and Mr. LAUTENBERG) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes.

SA 1142. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 925, supra; which was ordered to lie on the table.

SA 1143. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

SA 1144. Mr. ALLEN (for himself, Mr. AL-EXANDER, Mr. GRAHAM, of South Carolina, and Mr. BIDEN) proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1145. Mr. BROWNBACK proposed an amendment to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra.

SA 1146. Mr. SMITH (for himself, Mr. BIDEN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

SA 1147. Mr. BROWNBACK (for himself, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 1136 proposed by Mr. LUGAR to the bill S. 925, supra; which was ordered to lie on the table.

SA 1148. Ms. MURKOWSKI (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 925, supra; which was ordered to lie on the table.

SA 1149. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 925, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1136. Mr. LUGAR proposed an amendment to the bill S. 925, to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2004 and for the Peace Corps for fiscal years 2004 through 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Affairs Act, Fiscal Year 2004”.